

MEETING AGENDA
ENVIRONMENTAL PROTECTION COMMISSION
WALLACE STATE OFFICE BUILDING
DES MOINES, IOWA
APRIL 15, 1991

Meeting convenes at 10:00 a.m., April 15, 1991 in the fourth floor conference room.

Public Participation

10:30 a.m.

Appointments:

~~Exide Corporation (Item 15c)~~

Linwood Mining and Minerals Corp. (Item #15d)

Donald Carney (Item #15B)

Break

Blackhawk Metal Products (Item #15B)

Hubinger Co. (Item 15A)

~~1:30 p.m.~~

1:30 p.m.

2:00 p.m.

3:30 p.m.

2:30 p.m.

3:00 p.m.

1. Approve Agenda.
2. Approve Minutes of March 18, 1991.
3. Director's Report. (Wilson) Information.
4. Final Rule--Chapter 8, Contracts. (Kuhn) Decision.
5. Financial Status Report. (Kuhn) Information.
6. Landfill Alternatives Grant Contracts. (Hay) Decision.
7. Final Rule--Chapters 100, 102, and New 117, Requirements for Processing Waste Tires. (Hay) Decision.
8. Contract for Waste Video Production. (Hay) Decision.
- 8A. Toxic Cleanup Day Contractor Selection. (Hay) Decision.
9. Monthly Reports. (Stokes) Information.
10. State Revolving Fund Intended Use Plan - FY 1991. (Stokes) Information.
11. Notice of Intended Action--Chapters 91 and 92, Criteria for Award of Grants and State Revolving Loan Funds for Wastewater Treatment. (Stokes) Decision.
12. Final Rule--Chapter 63, Monitoring, Analytical, and Reporting Requirements - Effluent Toxicity Testing. (Stokes) Decision.
13. Chapter 135, Underground Storage Tank Action Standards. (Stokes) Information.
14. Proposed Contested Case Decision--Arlene and Thomas Griffin. (Murphy) Decision.

15. Referrals to the Attorney General. (Combs) Decision.

- (a) Hubinger Company (Keokuk)
- (b) Blackhawk Metal Products, Inc. (Davenport)
- (c) Exide Corporation (Burlington)
- (d) Linwood Mining and Minerals Corp. (Scott Co.)
- (e) Donald Carney (Ft. Dodge)
- (f) Mike Baker, d/b/a M & D's Chalet (Elgin)
- (g) City of Pacific Junction
- (h) Robert and Sally Shelley (Guthrie County)
- (i) *Cota Industries, Inc.*

16. General Discussion Items.

17. Address Items for Next Meeting.

NEXT MEETING DATES

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June 17-18, 1991
July 15-16, 1991

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APRIL 1991 COMMISSION MEETING

The meeting of the Environmental Protection Commission was held in the Wallace State Office Building, Des Moines, Iowa, convening at 10:00 a.m. on April 15, 1991.

MEMBERS PRESENT

Mike Earley, William Ehm, Richard Hartsuck, Rozanne King, Charlotte Mohr, Gary Priebe, Nancy Lee Siebenmann, and Clark Yeager.

MEMBERS ABSENT

Margaret Prah

ADOPTION OF AGENDA

The meeting agenda was amended as follows:

Appointment - Donald Carney (Item # 15-C) - 2:00 p.m.

Appointment - Blackhawk Metal Products (Item # 15-B) - 2:30 p.m.

Appointment - Hubinger Company (Item # 15-A) - 3:00 p.m.

Add: Item # 8-A, Toxic Cleanup Day Contractor Selection

Add: Item # 15-I, Cota Industries (Referral to the A.G.)

Delete: 1:30 p.m. appointment for Linwood Mining and Minerals Corp.

Motion was made by Richard Hartsuck to approve the agenda as amended. Seconded by Rozanne King. Motion carried unanimously.

ADOPTION OF MINUTES

Motion was made by Richard Hartsuck to approve the meeting minutes of March 18, 1991, as presented. Seconded by Rozanne King. Motion carried unanimously.

DIRECTOR'S REPORT

Director Wilson reminded the Commission of the tour of the Des Moines Wastewater Treatment Plant planned for them at 4:30 p.m. today. He distributed copies of the 1990 Annual Report for the Center for Health Effects of Environmental Contamination (CHEEC).

FINAL RULE--CHAPTER 8, CONTRACTS

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

The EPC is requested to approve the adoption of amendments to Chapter 8. 1990 legislation, H.F. 737, provides that the state must pay interest on funds retained from progress payments on public improvement contracts, and that administrative rules be adopted on this subject. The proposed rules are similar to rules currently being adopted by IDOT. The text of the rule is being promulgated by the Director as amendments to DNR Administrative rule 561--8. The staff recommends that each Commission adopt the amendments by reference. The NRC has approved final adoption as recommended at their April 4th meeting.

A copy of the Notice of Intended Action previously approved by the EPC, and a copy of the amendment is attached for reference. No public comments were received, and the amendment is unchanged from the Notice.

(Rule is shown on the following 2 pages)

NATURAL RESOURCES DEPARTMENT [561]
Adopted and Filed

Pursuant to the authority of Iowa Code section 455A.4, the Department of Natural Resources hereby amends Chapter 8, "Contracts for Public Improvements and Professional Services," Iowa Administrative Code.

A new rule is being added regarding payment to a contractor of interest earned on retained funds. This new rule implements 1990 Iowa Acts, Chapter 1229, section 2 [Iowa Code section 573.12(3)]. This legislation provides that interest earned on funds retained from progress payments on a construction contract "shall be payable at the time of final payment on the contract in accordance with the schedule and exemptions specified by the public corporation in its administrative rules." Notice of Intended Action was published in the February 20, 1991 Iowa Administrative Bulletin as ARC 1727A. There are no changes from the Notice other than to insert the effective date in 8.7(2)"a", as proposed in the notice.

Chapter 8 has been adopted by reference by the Environmental Protection Commission in 567--8.1(17A) and the Natural Resource Commission in 571--8.1(17A), and this amendment is being adopted concurrently by those commissions, through separate rule-making actions.

These amendments are intended to implement Iowa Code subsection 573.12(3).

The following amendments are adopted:

Adopt a new rule 8.7(573), as follows:

561--8.7(573) Interest on retained funds.

8.7(1) Scope. This rule implements Iowa Code subsection 573.12(3) regarding payment to a contractor of interest earned on retained funds. This rule does not address payment of interest under Iowa Code section 573.14.

8.7(2) General requirements.

a. Interest shall be paid pursuant to Iowa Code section 573.12 only on state contracts awarded on or after June 19, 1991.

b. Interest shall be paid on retained funds of a contract only if the accrued interest on those funds is at least \$25. This dollar threshold reflects the cost to the department of processing an interest payment on retained funds in contracts for the construction of public improvements.

c. Interest shall not be paid on retained funds of a contract declared in default.

8.7(3) Procedures.

a. Interest shall begin to accrue on retained funds on the date the first progress payment is issued. An interest rate shall be established on this date in accordance with Iowa Code section 453.6. This interest rate shall apply for the duration of the contract.

b. In general, interest shall continue to accrue on retained funds until the date final payment is approved by the chief engineer. Final payment is payment of retained funds less assessed liquidated damages, if applicable.

c. Notwithstanding paragraph "b," interest shall cease to accrue on retained funds:

(1) Upon the expiration of 60 days following field acceptance of a project if the contractor has failed to submit to the department the documentation necessary for final payment, as specified in the contract provision.

(2) Upon the court obtaining jurisdiction of the retained funds pursuant to Iowa Code section 573.16. Retained funds turned over to the court will include the interest accrued on those funds to the date the action was filed, if the interest has not been paid to the contractor.

This rule is intended to implement Iowa Code subsection 573.12(3).

Date

Larry J. Wilson, Director

ENVIRONMENTAL PROTECTION COMMISSION [567]
Adopted and Filed

Pursuant to the authority of Iowa Code section 455A.6 and 455B.105, the Environmental Protection Commission of the Department of Natural Resources amends Chapter 8, "Contracts for Public Improvements and Professional Services," Iowa Administrative Code.

The amendment is published in full under the Department of Natural Resources as ARC _____. The Commission adopts by cross-reference 561--Chapter 8, Iowa Administrative Code, as amended, to appear as 567--Chapter 8. Notice of Intended Action was published in the February 20, 1991 Iowa Administrative Bulletin as ARC 1728A. There are no changes from the notice.

This amendment is intended to implement Iowa Code subsection 573.12(3).

Amend rule 567--8.1(17A) as follows:

567--8.1(17A) Adoption by reference. The commission adopts by reference 561--Chapter 8, Iowa Administrative Code, as amended through June 19, 1991.

Date

Larry J. Wilson, Director

Mr. Kuhn explained the mandate by law for adoption of amendments to these rules.

Brief discussion followed and several commissioners expressed dissatisfaction with this rule.

Motion was made by William Ehm to approve Final Rule--Chapter 8, Contracts. Seconded by Mike Earley. Motion carried unanimously.

FINANCIAL STATUS REPORT

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

The Year-To-Date (YTD) division expenditure status report will be mailed to commissioners separately in several days. The financial information as of the end of March was not available at the time of agenda preparation.

No significant changes are expected in division financial status as compared to last month.

(Reports are shown on the following 6 pages)

FY91 Division Budget Expenditure Status, 3/31/91

Attached are the status reports for the divisions as of the end of March. The budgets have been adjusted downward to reflect the deappropriation action, vacant General fund positions, and other adjustments (both plus and minus) to various expenditure categories.

While the divisions are generally under budget at this point, much of that relates to underexpenditure of Groundwater and Federal funds. Therefore, the amounts indicated as "under" do not automatically accrue to the benefit of the State General fund.

1. Director's Office. This unit is under budget due primarily to budget resources held to pay out sick leave and vacation upon the retirement of the Deputy Director.

2. Coordination and Information. This division is at or slightly under in most categories. The large amount under in the Professional and Scientific budget category reflect planned services for the Aquatic Education program. This is primarily Federal funds and a contract solicitation currently underway will obligate a large portion of this category.

3. Administrative Services. Salary budgets have been adjusted downward to compensate for the overage in the Office Supplies (Postage) budget. The division currently has about 14% of authorized positions vacant, mostly in the Administrative Support bureau. The measures taken to reduce postage expenses seem to be working, and this problem should be within budget by the end of the fiscal year.

4. Parks, Preserves and Recreation. This division is under budget due primarily to the hiring and purchasing freeze.

5. Forests and Forestry. About \$38,000 of the "under" budget total relates to Federally funded aid payments, and does not represent savings to the State General fund. The remainder of the budget is generally slightly under. Again, this represents reduced expenditures due to the position and purchasing freeze.

6. Energy and Geological Resources. The Energy Bureau is slightly under budget due primarily to an overage in Professional Services balancing a similar favorable variance in the Personnel Services class.

Most of the division's total favorable variance (\$336,000 out of \$387,000) relates to underexpenditure of Groundwater funds within the Geological Survey Bureau for Professional Services, and does not represent a possible reversion to the State General fund.

7. Environmental Protection Division. This division is under budget by \$1,169,000. A large portion relates to underexpenditures in the Professional and Scientific class (\$540,393) relating to storage tanks, underobligation of the "equipment" budget (\$229,388) and staff vacancies (\$254,874). Most of these variances represent either Federal funds or Groundwater funds, with very little relating to the General Fund. The budgets within the Water Supply and Floodplains areas have already been reduced by approximately \$93,000 as a result of the deappropriation action.

8. Fish and Wildlife. All three bureaus are significantly under budget due to actions taken in anticipation of reduced resources from license fees.

9. Waste Management Authority. This division is under in most categories. No budget problems are anticipated.

This expenditure budget was prepared from monthly projections prepared by division staff, and subsequently reduced because of the deappropriation Act. It is different from the "Official" budget resident on the State's mainframe budget system. This approach also provides more flexibility regarding format, and this report should be somewhat easier to follow as compared to previous efforts.

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DNR DIVISION STATUS, 3/31/91

COST CENTER	CLASS	MARCH YTD BUDGET	MARCH YTD ACTUAL	OVER(-) UNDER
1000 DIRECTOR'S OFFICE	101 PERSONAL SERVIC	198,700	164,058	34,642
1000 DIRECTOR'S OFFICE	202 PERSONAL TRAVEL	25,500	21,013	4,487
1000 DIRECTOR'S OFFICE	203 STATE VEHICLE O			
	204 STATE VEHICLE D			
	301 OFFICE SUPPLIES	1,200	498	702
	302 FACILITY MAINT			
	303 EQUIPMENT MAINT	480	366	114
	304 PROF. & SCIENTI			
	307 AG., CONSERVATIO			
	308 OTHER SUPPLIES	800	57	743
	309 PRINTING & BIND	9,300	10,560	(1,260)
	312 UNIFORMS & RELA			
	401 COMMUNICATIONS			
	402 RENTALS			
	403 UTILITIES			
	405 PROF & SCIENTIF	1,500		1,500
	406 OUTSIDE SERVICE	1,500		1,500
	407 INTRA-STATE TRA			
	408 ADVERTISING & P			
	410 DATA PROCESSING	3,200	1,351	1,849
	412 AUDITOR OF STAT			
	414 REIMBURSEMENTS	480	248	232
	501 EQUIPMENT	1,000		1,000
	602 OTHER EXPENSES			
	701 LICENSES			
	702 FEES			
	705 REFUNDS-OTHER			
	801 STATE AID			
	901 CAPITALS			
Totals ->		243,660	198,151	45,509

DIVISION	CLASS	MARCH YTD BUDGET	MARCH YTD ACTUAL	(OVER) UNDER
2000 COORDINTAION AND INFORMATION	101 PERSONAL SERVIC	1,187,123	1,133,655	53,468
	202 PERSONAL TRAVEL	39,719	17,229	22,490
	203 STATE VEHICLE O	8,014	9,250	(1,236)
	204 STATE VEHICLE D	12,297	11,205	1,092
	301 OFFICE SUPPLIES	61,557	69,290	(7,733)
	302 FACILITY MAINT	14,000	12,921	1,079
	303 EQUIPMENT MAINT	8,250	8,088	162
	304 PROF. & SCIENTI	10,000	18,508	(8,508)
	307 AG., CONSERVATIO		412	(412)
	308 OTHER SUPPLIES	31,450	42,380	(10,930)
	309 PRINTING & BIND	362,000	364,252	(2,252)
	312 UNIFORMS & RELA	2,850	348	2,502
	401 COMMUNICATIONS	8,500	8,330	170
	402 RENTALS	250	1,148	(898)
	403 UTILITIES	19,922	20,222	(300)
	405 PROF & SCIENTIF	75,000	12,217	62,783
	406 OUTSIDE SERVICE	57,980	53,474	4,506
	407 INTRA-STATE TRA			
	408 ADVERTISING & P	12,500		12,500
	410 DATA PROCESSING	17,980	8,918	9,062
	412 AUDITOR OF STAT			
	414 REIMBURSEMENTS		3,086	(3,086)
	501 EQUIPMENT	33,950	34,165	(215)
	602 OTHER EXPENSES			
	701 LICENSES			
	702 FEES			
	705 REFUNDS-OTHER			
	801 STATE AID			
	901 CAPITALS			
		1,901,082	1,829,098	71,984

YTD ESTIMATES REDUCED TO REFLECT DEAPPROPRIATION.

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DNR DIVISION STATUS, 3/31/91

DIVISION	CLASS	MARCH YTD BUDGET	MARCH YTD ACTUAL	(OVER) UNDER
3000 ADMINISTRATIVE SERVICES DIV.	101 PERSONAL SERVIC	2,928,214	2,902,996	25,218
	202 PERSONAL TRAVEL	40,135	33,469	6,666
	203 STATE VEHICLE O	47,120	39,665	7,455
	204 STATE VEHICLE D	53,308	49,509	3,799
	301 OFFICE SUPPLIES	295,585	318,283	(22,698)
	302 FACILITY MAINT	1,220	1,543	(323)
	303 EQUIPMENT MAINT	31,219	30,224	995
	304 PROF. & SCIENTI			
	307 AG., CONSERVATIO			
	308 OTHER SUPPLIES	10,894	4,201	6,693
	309 PRINTING & BIND	14,645	10,851	3,794
	312 UNIFORMS & RELA	2,300	726	1,574
	401 COMMUNICATIONS	160,338	112,613	47,725
	402 RENTALS	1,130	374	756
	403 UTILITIES			
	405 PROF & SCIENTIF			
	406 OUTSIDE SERVICE	40,167	35,285	4,882
	407 INTRA-STATE TRA			
	408 ADVERTISING & P	1,130		1,130
	410 DATA PROCESSING	74,858	80,296	(5,438)
	412 AUDITOR OF STAT	80,000	81,398	(1,398)
	414 REIMBURSEMENTS	14,989	21,895	(6,906)
	501 EQUIPMENT	130,560	93,276	37,284
	602 OTHER EXPENSES			
	701 LICENSES	150		150
	702 FEES			
	705 REFUNDS-OTHER			
	801 STATE AID			
	901 CAPITALS			
		3,927,962	3,816,604	111,358

DIVISION	CLASS	MARCH YTD BUDGET	MARCH YTD ACTUAL	(OVER) UNDER
4000 PARKS, PRES. & RECREATION DIV.	101 PERSONAL SERVIC	3,826,781	3,744,758	82,023
	202 PERSONAL TRAVEL	64,676	49,622	15,054
	203 STATE VEHICLE O	152,875	144,202	8,673
	204 STATE VEHICLE D	170,712	164,965	5,747
	301 OFFICE SUPPLIES	32,282	25,941	6,341
	302 FACILITY MAINT	399,331	393,369	5,962
	303 EQUIPMENT MAINT	216,882	209,970	6,912
	304 PROF. & SCIENTI	750		750
	307 AG., CONSERVATIO	10,909	9,784	1,125
	308 OTHER SUPPLIES	22,912	28,884	(5,972)
	309 PRINTING & BIND	7,200	13,713	(6,513)
	312 UNIFORMS & RELA	6,547	5,278	1,269
	401 COMMUNICATIONS	59,710	57,497	2,213
	402 RENTALS	13,534	19,709	(6,175)
	403 UTILITIES	266,284	258,542	7,742
	405 PROF & SCIENTIF	30,150	22,900	7,250
	406 OUTSIDE SERVICE	136,294	133,040	3,254
	407 INTRA-STATE TRA			
	408 ADVERTISING & P	2,480	186	2,294
	410 DATA PROCESSING	4,680	1,889	2,791
	412 AUDITOR OF STAT			
	414 REIMBURSEMENTS	6,175	17,277	(11,102)
	501 EQUIPMENT	101,963	89,841	12,122
	602 OTHER EXPENSES	1,900	3,634	(1,734)
	701 LICENSES	2,097	105	1,992
	702 FEES			
	705 REFUNDS-OTHER			
	801 STATE AID			
	901 CAPITALS			

5,537,124 5,395,106 142,018

YTD ESTIMATES REDUCED TO REFLECT DEAPPROPRIATION.

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DIVISION	CLASS	MARCH YTD BUDGET	MARCH YTD ACTUAL	(OVER) UNDER
5000 FORESTRY DIVISION	101 PERSONAL SERVIC	1,331,910	1,295,582	36,328
	202 PERSONAL TRAVEL	22,930	21,308	1,622
	203 STATE VEHICLE O	53,060	49,805	3,255
	204 STATE VEHICLE D	83,000	72,535	10,465
	301 OFFICE SUPPLIES	12,800	13,911	(1,111)
	302 FACILITY MAINT	25,900	24,274	1,626
	303 EQUIPMENT MAINT	40,040	35,210	4,830
	304 PROF. & SCIENTI			
	307 AG., CONSERVATIO	90,150	74,862	15,288
	308 OTHER SUPPLIES	11,200	27,009	(15,809)
	309 PRINTING & BIND	8,660	9,168	(508)
	312 UNIFORMS & RELA	10,550	1,730	8,820
	401 COMMUNICATIONS	21,470	20,146	1,324
	402 RENTALS	11,300	13,403	(2,103)
	403 UTILITIES	22,800	20,046	2,754
	405 PROF & SCIENTIF	19,000		19,000
	406 OUTSIDE SERVICE	20,550	29,404	(8,854)
	407 INTRA-STATE TRA			
	408 ADVERTISING & P	900	489	411
	410 DATA PROCESSING	9,300	1,185	8,115
	412 AUDITOR OF STAT			
	414 REIMBURSEMENTS		121	(121)
	501 EQUIPMENT	35,100	25,543	9,557
	602 OTHER EXPENSES			
	701 LICENSES	270	230	40
	702 FEES			
	705 REFUNDS-OTHER			
	801 STATE AID	94,000	55,821	38,179
	901 CAPITALS			
		1,924,890	1,791,782	133,108
DIVISION	CLASS	MARCH YTD BUDGET	MARCH YTD ACTUAL	(OVER) UNDER
6000 ENERGY & GEOLOGICAL RESOURCES	101 PERSONAL SERVIC	1,774,884	1,706,627	68,257
	202 PERSONAL TRAVEL	59,533	41,613	17,920
	203 STATE VEHICLE O	14,287	12,089	2,198
	204 STATE VEHICLE D	21,716	21,405	311
	301 OFFICE SUPPLIES	5,665	9,717	(4,052)
	302 FACILITY MAINT	945	526	419
	303 EQUIPMENT MAINT	20,035	16,314	3,721
	304 PROF. & SCIENTI	2,159	13,007	(10,848)
	307 AG., CONSERVATIO			
	308 OTHER SUPPLIES	23,282	22,364	918
	309 PRINTING & BIND	32,784	19,595	13,189
	312 UNIFORMS & RELA			
	401 COMMUNICATIONS	12,487	10,794	1,693
	402 RENTALS	1,750	1,575	175
	403 UTILITIES	8,899	8,122	777
	405 PROF & SCIENTIF	907,720	633,716	274,004
	406 OUTSIDE SERVICE	15,040	12,042	2,998
	407 INTRA-STATE TRA			
	408 ADVERTISING & P			
	410 DATA PROCESSING	11,498	8,162	3,336
	412 AUDITOR OF STAT			
	414 REIMBURSEMENTS	4,252	4,144	108
	501 EQUIPMENT	88,503	60,932	27,571
	602 OTHER EXPENSES			
	701 LICENSES			
	702 FEES			
	705 REFUNDS-OTHER			
	801 STATE AID			
	901 CAPITALS			
		3,005,439	2,602,744	402,695

YTD ESTIMATES REDUCED TO REFLECT DEAPPROPRIATION.

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DNR DIVISION STATUS, 3/31/91

DIVISION	CLASS	MARCH YTD BUDGET	MARCH YTD ACTUAL	(OVER) UNDER
7000 ENVIRONMENTAL PROTECTION DIV.	101 PERSONAL SERVIC	4,625,965	4,371,091	254,874
	202 PERSONAL TRAVEL	130,458	80,568	49,890
	203 STATE VEHICLE O	36,400	25,882	10,518
	204 STATE VEHICLE D	44,530	41,355	3,175
	301 OFFICE SUPPLIES	31,891	38,786	(6,895)
	302 FACILITY MAINT	1,645	1,029	616
	303 EQUIPMENT MAINT	9,603	10,150	(547)
	304 PROF. & SCIENTI	5,018	24,285	(19,267)
	307 AG., CONSERVATIO			
	308 OTHER SUPPLIES	24,463	16,145	8,318
	309 PRINTING & BIND	32,898	2,414	30,484
	312 UNIFORMS & RELA	5,550	1,126	4,424
	401 COMMUNICATIONS	33,500	28,464	5,036
	402 RENTALS	34,969	34,930	39
	403 UTILITIES	8,278	8,451	(173)
	405 PROF & SCIENTIF	986,610	446,217	540,393
	406 OUTSIDE SERVICE	34,094	29,457	4,637
	407 INTRA-STATE TRA			
	408 ADVERTISING & P	4,176	1,820	2,356
	410 DATA PROCESSING	127,900	77,259	50,641
	412 AUDITOR OF STAT			
	414 REIMBURSEMENTS	12,614	11,285	1,329
	501 EQUIPMENT	444,179	214,791	229,388
	602 OTHER EXPENSES	200		200
	701 LICENSES		20	(20)
	702 FEES			
	705 REFUNDS-OTHER			
	801 STATE AID			
	901 CAPITALS			
		6,634,941	5,465,525	1,169,416

DIVISION	CLASS	MARCH YTD BUDGET	MARCH YTD ACTUAL	(OVER) UNDER
8000 FISH AND WILDLIFE DIVISION	101 PERSONAL SERVIC	7,915,179	7,811,325	103,854
	202 PERSONAL TRAVEL	274,890	215,819	59,071
	203 STATE VEHICLE O	362,604	339,399	23,205
	204 STATE VEHICLE D	468,520	495,490	(26,970)
	301 OFFICE SUPPLIES	190,124	177,247	12,877
	302 FACILITY MAINT	187,420	163,857	23,563
	303 EQUIPMENT MAINT	228,384	237,749	(9,365)
	304 PROF. & SCIENTI			
	307 AG., CONSERVATIO	168,265	167,436	829
	308 OTHER SUPPLIES	85,768	73,356	12,412
	309 PRINTING & BIND	142,219	79,689	62,530
	312 UNIFORMS & RELA	80,716	26,798	53,918
	401 COMMUNICATIONS	116,163	111,090	5,073
	402 RENTALS	29,622	28,945	677
	403 UTILITIES	153,410	139,926	13,484
	405 PROF & SCIENTIF	132,140	95,673	36,467
	406 OUTSIDE SERVICE	87,598	59,722	27,876
	407 INTRA-STATE TRA	2,652		2,652
	408 ADVERTISING & P	15,845	19,615	(3,770)
	410 DATA PROCESSING	33,567	42,812	(9,245)
	412 AUDITOR OF STAT			
	414 REIMBURSEMENTS	76,550	74,170	2,380
	501 EQUIPMENT	226,740	141,626	85,114
	602 OTHER EXPENSES	800	1,062	(262)
	701 LICENSES	110	25	85
	702 FEES			
	705 REFUNDS-OTHER			
	801 STATE AID			
	901 CAPITALS			
		10,979,286	10,502,831	476,455

YTD ESTIMATES REDUCED TO REFLECT DEAPPROPRIATION.

Environmental Protection Commission Minutes

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DNR DIVISION STATUS, 3/31/91

BUREAU	CLASS	MARCH BUDGET YTD	MARCH ACTUAL YTD	(OVER) UNDER
9000 WASTE MANAGEMENT AUTHORITY	101 PERSONAL SERVIC	341,680	341,516	164
9000 WMAD DIVISION	202 PERSONAL TRAVEL	32,950	21,591	11,359
	203 STATE VEHICLE O	400		400
	204 STATE VEHICLE D			
	301 OFFICE SUPPLIES	13,140	3,765	9,375
	302 FACILITY MAINT			
	303 EQUIPMENT MAINT		226	(226)
	304 PROF. & SCIENTI			
	307 AG., CONSERVATIO			
	308 OTHER SUPPLIES	7,625	9,260	(1,635)
	309 PRINTING & BIND	46,000	44,964	1,036
	312 UNIFORMS & REL			
	401 COMMUNICATIONS	2,970	71	2,899
	402 RENTALS	150		150
	403 UTILITIES			
	405 PROF & SCIENTIF	114,880	66,016	48,864
	406 OUTSIDE SERVICE	11,465	4,113	7,352
	407 INTRA-STATE TRA			
	408 ADVERTISING & P			
	410 DATA PROCESSING	3,240	1,978	1,262
	412 AUDITOR OF STAT			
	414 REIMBURSEMENTS	9,150	7,350	1,800
	501 EQUIPMENT	15,000	15,790	(790)
	602 OTHER EXPENSES			
	701 LICENSES			
	702 FEES			
	705 REFUNDS-OTHER			
	801 STATE AID			
	901 CAPITALS			
		598,650	516,640	82,010

YTD ESTIMATES REDUCED TO REFLECT DEAPPROPRIATION.

Mr. Kuhn gave a brief explanation of the report.

This was an informational item; no action was required.

LANDFILL ALTERNATIVES GRANT CONTRACTS

Teresa Hay, Division Administrator, Waste Management Authority Division, presented the following item.

A total of thirteen applications were selected for funding in the current round of the Landfill Alternatives Grant program. Four contracts were under \$25,000 and six received approval from the

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Commission at the March meeting. The remaining three contracts that require approval are attached. The Commission is requested to approve the three contracts at this time.

Audubon, Crawford, and Shelby Counties (ACS)

ACS Counties will be using the \$267,764 grant to purchase drop-off bins and home storage containers for curbside collection programs, construction of three transfer facilities, the purchase of a transfer trailer and for education programs. The three counties will be directing the recyclable materials collected in the counties to a transfer facility in their respective county. These materials will then be transferred to the Carroll County recycling facility for further processing for recycling.

Hon Industries

Hon Industries, located in Muscatine, will be using the grant to implement a program designed to take saw dust and wood waste generated during the manufacturing of furniture and creating a pelletized fuel. The fuel will be made by Heatilator for use in pellet burning stoves sold by Heatilator. Grant money, \$190,000 will be used to purchase pellet making equipment.

Fayette County Solid Waste Commission

Grant funds will be used to obtain equipment necessary for implementing a recycling program to serve Fayette County. The program will be accepting metals, plastics, glass, paper and cardboard. The grant is for \$106,605.

(Scope of Work is shown on the following 7 1/2 pages)

AUDUBON, CRAWFORD AND SHELBY COUNTIES

SCOPE OF WORK

1. The Contractor shall implement a program designed to collect recyclable materials from Crawford, Shelby and Audubon Counties for transfer to the Carroll County recycling facility. Transfer facilities for the recyclable materials will be placed in each of the three counties.
2. The Contractor shall develop and implement a public education program regarding recycling to promote increased participation in the recycling program.
3. The Contractor shall contact the Environmental Protection Division of the Department to determine if a permit is necessary from the Department. If a permit is required, the Contractor shall prepare detailed plans for the Project. The Contractor will submit plans and specifications for the Project to the Environmental Protection Division of the Department and shall receive approval from the Department before operation of the Project begins.

If the Department determines that a permit is not necessary, a written confirmation from the Department must be provided.

4. The Contractor shall purchase any piece of equipment specified in the plans costing over \$10,000 on a competitive basis. The Department shall fund the purchase of equipment and buildings only after the Contractor documents that items 5.2 and 5.3 have been addressed and receives approval from the Department.

The purchase of equipment will include a local cost share of the actual purchase price of the equipment as identified in Appendix A, Budget. The title of the property purchased by the Contractor shall remain vested with the owner of the Project. In the event that the Project fails and any equipment is sold for up to five years after the end of the contract, the Department shall be paid a percentage of the sale price equal to the percentage of grant money used to purchase the property.

5. The Contractor shall monitor the collection routes and drop-off containers during the term of the contract and estimate the number of stops, and the quantity of each recyclable material collected from collection routes and citizen drop-off stations. The Contractor shall maintain information on the name and address of the markets utilized in the Project and the quantity sold

to these markets. This information shall be included in the monthly report. The Contractor shall estimate the quantities of materials being collected from each of the counties involved with this Contract.

6. The Contractor shall submit monthly reports on the Project. The reports are due on the 15th of every month. The monthly report shall discuss the status of the project and shall include a monthly update of the information required in the final report.
7. The Contractor shall develop a pictorial history via slides of the Project complete with data on project development from early initiation through construction, start-up, and contract completion necessary for conferences, trade journals, and other sources to disseminate the results of the project. This pictorial history shall be submitted with the final report. The Contractor shall conduct at least one media-notified open house after the Project is operational and will encourage visits at other times on a scheduled basis.
8. The Contractor shall make any information on the Project resulting from this grant readily available, as this will be considered to be public information.
9. The Contractor shall submit a final report on the Project. The final report will include:
 - 1) Information on the amount of recyclable material collected from each of the three counties during the term of this Contract, the name and address of the markets utilized in the Project, the quantity of material sold to these markets, citizen participation rates, operation and maintenance costs, waste diverted from the landfill and future expectations in these areas.
 - 2) The environmental impact of the Project.
 - 3) Assessment of the viability of conducting this type of project in other communities, counties and regions within the State of Iowa.
 - 4) Details on all aspects of the Project during the term of the contract.

BUDGET

ITEM	DNR GRANT	COST SHARE	TOTAL COST
Home Storage Containers	\$77,114	\$8,569	\$85,683
Drop Boxes	\$22,950	\$2,550	\$25,500
Site Preparation		\$60,000	\$60,000
Buildings	\$120,000	\$60,000	\$180,000
Loaders		\$210,000	\$210,000
Barriers		\$9,000	\$9,000
Transfer Trailer	\$43,200	\$4,800	\$48,000
Education	\$4,500	\$40,500	\$45,000
Haul Costs		\$124,055	\$124,055
Personnel		\$40,900	\$40,900
Travel		\$5,460	\$5,460
Engineering		\$25,000	\$25,000
Operating Costs		\$100,717	\$100,717
TOTALS	\$267,764	\$691,551	\$959,315

HON INDUSTRIES

SCOPE OF WORK

1. The Contractor shall implement a program that recovers saw dust and other wood scrap from its manufacturing operations to produce fuel pellets. These pellets will be used in pellet burning stoves, furnaces and industrial boilers.
2. The Contractor shall investigate the potential markets available for the pellets and, where potential exists, solicit bids for the purchase of the pellets. Preference for the purchase of the pellets that are collected and processed by the Project shall be given to Iowa companies. Where appropriate, contracts for the sale of pellets will be obtained. The Contractor will include in the final report an analysis of the available markets and those utilized for the Project.
3. The Contractor shall contact the Environmental Protection Division of the Department to determine if a permit is necessary from the Department. If a permit is required, the Contractor shall prepare detailed plans for the Project. The Contractor will submit plans and specifications for the Project to the Environmental Protection Division of the Department and shall receive approval from the Department before operation of the Project begins.

If the Department determines that a permit is not necessary, a written confirmation from the Department must be provided.

4. The Contractor shall purchase any piece of equipment specified in the plans costing over \$10,000 on a competitive basis. The Department shall fund the purchase of equipment and buildings only after the Contractor documents that items 5.2 and 5.3 have been addressed and receives approval from the Department.

The purchase of equipment will include a local cost share of the actual purchase price of the equipment as identified in Appendix A, Budget. The title of the property purchased by the Contractor shall remain vested with the owner of the Project. In the event that the Project fails and any equipment is sold for up to five years after the end of the contract, the Department shall be paid a percentage of the sale price equal to the percentage of grant money used to purchase the property.

5. The Contractor shall submit monthly reports on the Project. The reports are due on the 15th of every month. The monthly report shall discuss the status of the project and shall include a monthly update of the information required in the final report.
6. The Contractor shall develop a pictorial history via slides of the Project complete with data on project development from early initiation through construction, start-up, and contract completion necessary for conferences, trade journals, and other sources to disseminate the results of the project. This pictorial history shall be submitted with the final report. The Contractor shall conduct at least one media-notified open house after the Project is operational and will encourage visits at other times on a scheduled basis.
7. The Contractor shall make any information on the Project resulting from this grant readily available, as this will be considered to be public information.
8. The Contractor shall submit a final report on the Project. The final report will include:
 - 1) Information on the amount of saw dust and wood waste collected during the term of this Contract, the name and address of the markets utilized in the Project, the quantity of material sold to these markets, operation and maintenance costs, waste diverted from the landfill and future expectations in these areas.
 - 2) The environmental impact of the Project.
 - 3) Assessment of the viability of conducting this type of project in other communities, counties and regions within the State of Iowa.
 - 4) Details on all aspects of the Project during the term of the contract.

BUDGET

ITEM	DNR GRANT	COST SHARE	TOTAL COST
Pellet Mill	\$88,237	\$59,537	\$147,774
Pellet Mill Cooler Bed	\$9,729	\$1,081	\$10,810
Pellet Screener	\$12,834	\$1,426	\$14,260
Pellet Mill Control Center	\$17,550	\$1,950	\$19,500
Hammermill	\$21,150	\$2,350	\$23,500
Bagging Machine	\$40,500	\$4,500	\$45,000
Project Related Equipment		\$243,258	\$243,258
Building Retrofit		\$80,000	\$80,000
Land		\$198,870	\$198,870
Engineering		\$6,800	\$6,800
Salaries		\$92,400	\$92,400
TOTALS	\$190,000	\$692,172	\$882,172

FAYETTE COUNTY SOLID WASTE COMMISSION

SCOPE OF WORK

1. The Contractor shall implement a recycling program that will serve Fayette County. The program shall include methods to collect, process and market recyclable materials.
2. The Contractor shall establish a specific education strategy dealing with recycling. The strategy will consist of promotional and educational materials that will be distributed to the public to increase citizen participation in the recycling program.
3. The Contractor shall investigate the potential markets available for the recyclables and, where potential exists, solicit bids for the purchase of the recyclable materials. Preference for the purchase of the recyclables that are collected and processed by the Project shall be given to Iowa companies. Where appropriate, contracts for the sale of recyclables will be obtained. The Contractor will include in the final report an analysis of the available markets and those utilized for the Project.
4. The Contractor shall contact the Environmental Protection Division of the Department to determine if a permit is necessary from the Department. If a permit is required, the Contractor shall prepare detailed plans for the Project. The Contractor will submit plans and specifications for the Project to the Environmental Protection Division of the Department and shall receive approval from the Department before operation of the Project begins.

If the Department determines that a permit is not necessary, a written confirmation from the Department must be provided.

5. The Contractor shall purchase any piece of equipment specified in the plans costing over \$10,000 on a competitive basis. The Department shall fund the purchase of equipment and buildings only after the Contractor documents that items 5.2 and 5.3 have been addressed and receives approval from the Department.

The purchase of equipment will include a local cost share of the actual purchase price of the equipment as identified in Appendix A, Budget. The title of the property purchased by the Contractor shall remain vested with the owner of the Project. In the event that the Project fails and any equipment is sold for up to five years after the end of the contract, the

Department shall be paid a percentage of the sale price equal to the percentage of grant money used to purchase the property.

6. The Contractor shall submit monthly reports on the Project. The reports are due on the 15th of every month. The monthly report shall discuss the status of the project and shall include a monthly update of the information required in the final report.
7. The Contractor shall monitor the collection routes and drop-off containers during the term of the contract and determine the number of stops, and the quantity of each recyclable material collected from collection routes and citizen drop-off stations. The Contractor shall maintain information on the name and address of the markets utilized in the Project and the quantity sold to these markets. This information shall be included in the monthly report.
8. The Contractor shall develop a pictorial history via slides of the Project complete with data on project development from early initiation through construction, start-up, and contract completion necessary for conferences, trade journals, and other sources to disseminate the results of the project. This pictorial history shall be submitted with the final report. The Contractor shall conduct at least one media-notified open house after the Project is operational and will encourage visits at other times on a scheduled basis.
9. The Contractor shall make any information on the Project resulting from this grant readily available, as this will be considered to be public information.
10. The Contractor shall submit a final report on the Project. The final report will include:
 - 1) Information on the amount of recyclable material collected during the term of this Contract, the name and address of the markets utilized in the Project, the quantity of material sold to these markets, citizen participation rates, operation and maintenance costs, waste diverted from the landfill and future expectations in these areas.
 - 2) The environmental impact of the Project.
 - 3) Assessment of the viability of conducting this type of project in other communities, counties and regions within the State of Iowa.
 - 4) Details on all aspects of the Project during the term of the contract.

BUDGET

ITEM	DNR GRANT	COST SHARE	TOTAL COST
Buildings		\$85,556	\$85,556
Remodeling		\$28,900	\$28,900
Engineering		\$4,000	\$4,000
Equipment	\$106,605	\$11,845	\$118,450
Land		\$28,000	\$28,000
Operational Budget		\$126,120	\$126,120
Overhead Cost		\$15,300	\$15,300
TOTALS	\$106,605	\$299,721	\$406,326

Ms. Hay briefly explained each grant contract.

Chairperson Mohr indicated that in the future she would like staff to include the name of the principle parties involved in each of the grant contracts.

Mike Earley asked if the information obtained from these projects could be supplied to competitors of Heatilator and Hon Industries.

Ms. Hay replied that any of the information from the grant process is public. She related that the grantees understand that part of the grant project is sharing information obtained from the various projects.

William Ehm commented that some of these ideas are innovative to the extent that they are on the cutting edge of technology. He asked if there is anything written into the contracts regarding protection of information if someone develops a process where they obtain a patent.

Ms. Hay stated that staff wouldn't reveal information that would work in the detriment of someone who had obtained a patent. She added that there are provisions for confidential business information in the department rules.

Motion was made by Richard Hartsuck to approve the Landfill Alternative Grants for Audubon, Crawford, and Shelby Counties

(ACS), Hon Industries, and Fayette County Solid Waste Commission, as presented. Seconded by Nancylee Siebenmann. Motion carried unanimously.

FINAL RULE--CHAPTERS 100, 102, AND NEW 117, REQUIREMENTS FOR PROCESSING WASTE TIRES

Teresa Hay, Division Administrator, Waste Management Authority Division, presented the following item.

The Commission is requested to approve the proposed rules regarding the size of processed tires for landfilling. The proposed rules require that all landfilled waste tires be no larger than 18 inches on any side. The rules were revised after a number of public comments were considered.

Due to extensive comments received during the public comment period and changes in public hearing dates because of a missed filing deadline, only a portion of the original Notice of Intended Action is submitted at this time. This portion is submitted to ensure that the definition of processed tires for landfilling is effective by the July 1, 1991 land ban on whole tires. The remainder of the rules, which address the permitting of waste tire storage and processing facilities, will be revised after public comments are compiled and discussed, and will be submitted as a Notice of Intended Action in May, 1991.

(Rule is shown on the following 1 1/2 pages)

ENVIRONMENTAL PROTECTION COMMISSION [567]
Adopted Rule

Pursuant to the authority of Iowa Code section 455B.304 and 455D.11, the Environmental Protection Commission of the Department of Natural Resources hereby amends Chapter 100, "Scope of Title - Definitions - Forms - Rules of Practice," Chapter 102, "Permits," and adopts new Chapter 117, "Requirements for Waste Tire Facilities," Iowa Administrative Code.

These rules pertain to processing waste tires for land disposal.

Notice of Intended Action was published in the March 6, 1991 Iowa Administrative Bulletin as ARC 1769A.

Public comments on these rules were received through March 29, 1991. Four public hearings were held, as follows: March 26, Iowa City; March 27, Atlantic; March 28, Mason City; March 29, Des Moines. A total of 20 participants provided oral comments. Written comments were received from three members of the public.

Due to extensive comments received during the public comment period and changes in public hearing dates because of a missed filing deadline, only a portion of the original Notice of Intended Action is adopted at this time. This portion is adopted to ensure that the definition of processed tires for landfilling is effective by the July 1, 1991 land ban on whole tires. The remainder of the rules, which address the permitting of waste tire storage and processing facilities, will be revised and submitted as a new Notice of Intended Action in May, 1991.

The following revisions to the portion of the Notice of Intended Action that addresses processing waste tires for land disposal were based on public comment:

The size of tire pieces allowed for land disposal was changed from no larger than 12" on any side to no larger than 18" on any side, to accommodate the size of tire pieces produced by readily available shredders.

Originally, a distinction was made between processing passenger tires and processing large truck and tractor tires for landfilling. Several members of the public stated that large truck and tractor tires be subject to the same type of processing for landfilling as passenger tires. Both large tires and passenger tires can be processed; therefore, the rule was revised.

The definitions of "tire" was revised to encompass all tires, both pneumatic and non-pneumatic (solid), to conform with section 455D.11 of the Code of Iowa, which makes no distinction between pneumatic and non-pneumatic in its land ban of whole tires.

Copies of the rules may be obtained from the Records Section, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand, Des Moines, Iowa 50319-0034.

In accordance with Iowa Code section 17A.31, notice is hereby given that these rules may have an impact on small businesses.

These rules are intended to implement section 455B.307 of the Code of Iowa and 455D.11 (1989 Iowa Code Supp.)

ITEM 1. Amend 567--100.1 by adding the following chapter description in numeric order:

Chapter 117 details the requirements for outdoor storage and processing of waste tires.

ITEM 2. Amend 567--102.15 by adding the following new subrule:

(4) Waste Tires. Pursuant to Iowa Code section 455D.11(2), land disposal of waste tires, as defined in Chapter 567--117 IAC, is prohibited as of

July 1, 1991 unless each tire is processed by, at a minimum, shredding, cutting or chopping each tire into pieces that are no longer than 18 inches on any side.

ITEM 3. Adopt new 567--Chapter 117, "Requirements for waste tire facilities," as follows:

567--117.1 (455B, 455D) (Reserved)

567--117.2 (455B, 455D) Definitions.

"Tire" means, for the purpose of these rules, every tire in which compressed air is designed to support the load, and every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.

"Waste tire" means a tire that is no longer suitable for its originally intended purpose because of wear, damage or defect.

Date

Larry J. Wilson, Director

Ms. Hay explained that because the department received extensive comments from the public and there was a change in hearing dates, only the portion of the rule regarding processing of waste tires is being presented at this time. The other portions of the rule dealing with storage will be brought before the Commission in May or June.

Discussion followed regarding the definition of "tire" and "waste tire."

Ms. Hay pointed out that the definition of tires put forth in these rules is the definition established in the Code of Iowa and it would take legislative action to change it.

Gary Priebe commented that he attended the public hearing in Mason City and most of the comments were on this portion of the rule, and he suggested tabling this portion until the remainder of the rule is presented for approval.

Discussion followed regarding the July 1, 1991, legislative mandate to have waste tire rules in place.

Motion was made by Nancylee Siebenmann to approve Final Rule-- Chapters 100, 102, and New 117, Requirements for Processing Waste Tires. Seconded by Mike Earley. Motion carried unanimously.

CONTRACT FOR WASTE VIDEO PRODUCTION

Teresa Hay, Division Administrator, Waste Management Authority Division, presented the following item.

The department received a solid waste demonstration grant from the U.S. EPA for various projects to be carried out by the Waste Management Division. Three videos were proposed to be produced for use in public education efforts. In addition, a REAP Conservation Education Program grant was received to produce a fourth video and provide funds for duplication and distribution of the other public education videos.

A Request for Proposals (RFP) was mailed to eleven possible video production vendors (list attached) and a notice was published in the Des Moines Register regarding the availability of the RFP for any interested parties. Proposals are due to the department on April 5, 1991 and a selection of the vendor to provide the services will be completed prior to the April Commission meeting.

The contract will be for the services of a professional firm or individual to: provide the creative concept, prepare the script, tape and edit the videotape for each of four programs on waste management, and provide titling, special effects and music. The four programs are as follows:

1. Household Hazardous Waste for sixth graders through adults
2. Reducing and Recycling Waste for sixth graders through adults
3. Reducing and Recycling Waste for kindergarten through fifth grade (K-5)
4. Business Recycling and Waste Reduction for businesses and industry

The contract is requested to be approved for an amount not to exceed \$60,000 (includes \$45,000 from EPA grants and \$15,000 from the REAP grant). The selected contractor will be provided at the Commission meeting.

Possible Vendors for Video Production Services:

Tony Wilson
Busby Video Productions
1430 Locust Street
Des Moines, Iowa 50309
515-244-0404

Carol Hammer
Carol Associates
918 59th Street
Des Moines, Iowa 50312
515-255-6534

Mark Pogge
DMACC, Ankeny Campus
2006 S. Ankeny Blvd.

Harbert Creative
2593 NW 96th Avenue
Ankeny, Iowa 50021

Ankeny, Iowa 50021
515-964-6650

515-965-1401

Brad Morford
Iowa Teleproduction Center
11041 Aurora Avenue
Urbandale, Iowa 50322
515-276-2553

Morris Communications
Suite 222, 108 3rd Street
Des Moines, Iowa 50309
515-244-3141

Paul Goodwin
Producers Group
Suite 107, 1454 30th Street
West Des Moines, Iowa 50265
515-224-0545

Radio Garage Productions
11041 Aurora Avenue
Urbandale, Iowa 50322
515-276-2553

Steve Holmes Production
1403 Ridge Street
Iowa City, Iowa 52240

Greg Huck
Time Frame Productions
3305 104th Street
Des Moines, Iowa 50032
515-278-0011

Randy Shelton
WOI
Iowa State University
Ames, Iowa 50011

Ms. Hay explained the process used for selection of a vendor to produce the waste videos. She outlined the services which will be covered in the contract and noted that 100 copies of each video will be produced. Copies will be distributed to every county in the state with several being kept in the department. Seven proposals were received and a committee of five individuals reviewed each proposal. The review committee selected Paul Goodwin, Producers Group, West Des Moines, as the contractor.

Brief discussion followed.

Motion was made by Richard Hartsuck to approve a contract with Producers Group, in an amount not to exceed \$60,000, for video production services as presented. Seconded by Nancylee Siebenmann.

Mike Earley commented that 90% of the vendors listed were in the "golden circle" and he suggested that in the future staff use their resources to spread this out across the state.

Motion carried unanimously.

PUBLIC PARTICIPATION

Chairperson Mohr announced public participation at 10:45 a.m.

Don Balvanz

Don Balvanz, Hardin County Supervisor, asked what his county can do to comply with the law in regards to processing tires. He also asked about the cost of a processing machine. Mr. Balvanz stated that his concern is whether or not he should get a permit to take tires at the landfill. He related that he will attend a meeting tonight and need to know what to recommend as to cost for processing tires.

Allan Stokes stated that shredders are available for purchase and the cost depends on the size of shredder as well as the size a person wants to grind down to.

TOXIC CLEANUP DAYS CONTRACT APPROVAL

Teresa Hay, Division Administrator, Waste Management Authority Division, presented the following item.

The Waste Management Authority Division has completed the evaluation of the proposals from the Hazardous Waste Management Contractors to conduct the Spring Toxic Cleanup Days in Boone, Warren, and Madison Counties. The following is the result of the evaluation.

Proposals were received from Laidlaw Environmental Services, Chemical Waste Management, Aqua-Tech, Aptus, Environmental Management, Inc., and Rollins Environmental Services. Aptus could not agree to be the generator of the waste collected, and Environmental Management did not provide an adequate breakdown of costs to properly evaluate their proposal, thereby eliminating their proposals.

The proposals were evaluated on a number of criteria, including ability to adequately staff the collection sites, provide proper safety measures, and cost. Costs were evaluated in two ways: Actual schedule of fees, and a cost estimate for a hypothetical collection event (provided in the Request for Proposals).

The recommended contractor is Laidlaw Environmental. They addressed all of the requirements in the Request for Proposals, are experienced in collection events, have the resources to conduct the events and have the lowest bid for both the schedule of fees and estimate on the hypothetical event. Factors in the low bid include having a new facility in Illinois allowing for less travel and transportation costs.

The total cost of the collection events is estimated to be up to \$160,000. The local communities are contributing a total of \$27,000 toward the collection and disposal costs of the

contractor. The Department will be paying the remainder of the collection and disposal costs.

A draft scope of work for the contractor is attached.

SCOPE OF WORK

1. The Contractor shall provide qualified personnel at each of the Toxic Cleanup Day sites for the identification, segregation, packaging and transportation of hazardous wastes.
2. The Contractor shall accept wastes for transportation and disposal from individuals as designated by the representative of the Department at the site. A limit of 220 pounds or 25 gallons of waste will be accepted except as directed by the Department or Local Organization representative. The Contractor shall not accept waste from schools or businesses.
3. The Contractor will not be responsible to accept the following wastes:

Explosives, shock sensitive materials, ammunition, unknowns, radioactive materials, or Freon 11 and 12.
4. The Local Organizations shall make appointments for citizens to deliver household hazardous wastes to the collection site. The Local Organizations shall estimate the types and quantities of household hazardous waste that will be delivered to the collection site. The Local Organizations will keep records of the number of appointments, the estimated types and quantities of wastes to be delivered and the citizens name, address, and phone number. This information shall be made available to the Department and the Contractor.
5. The Contractor shall have staff available to assist the Department and Local Organizations with the appointment system. This assistance shall include providing technical assistance on disposal of household hazardous wastes. The Contractor shall assist the Department and Local Organizations in estimating the cost of disposing of household hazardous wastes that are scheduled by appointment to be delivered to the collection site, at the end of each appointment day or as otherwise requested.
6. A representative of the Department will inform the Contractor before the beginning of each Toxic Cleanup Day the amount of funding allocated to the specific site being serviced. The Department or Local Organization shall curtail operation upon the approximation of the allocation limit. The Service may continue if directed by the Department representative on site. If directed to continue Service beyond the original allocation limit, the Department or Local Organization will compensate the Contractor for any expenses incurred.

The Contractor shall not incur costs to the Department or Local Organizations exceeding the total amount budgeted as stated in Article VIII. Funding.

7. The Contractor shall be deemed to be the generator for the purpose of federal, state and local laws and regulations, of all wastes accepted at the Toxic Cleanup Days.
8. The Contractor shall have a valid Environmental Protection Agency identification number as appropriate for generation, transportation and storage of hazardous and acutely hazardous wastes and approval for the wastes to be disposed of at EPA and Contractor approved disposal sites.
9. The Contractor shall have liability insurance in effect for claims arising out of death or bodily injury and property damage from hazardous and acutely hazardous waste transport, storage and disposal, including automobile liability, and legal defense costs, as evidenced by a certificate of insurance satisfactory to the Department delivered to the Department not later than fourteen (14) days prior to the beginning day of collection.
10. The Contractor shall package and manifest the waste collected each collection day by the end of each collection day. The Contractor shall transport the wastes from the site within 48 hours of the end of the final day of collection or as soon as possible thereafter.
11. The title of all wastes accepted by the Contractor at the site shall pass directly from the individual to the Contractor at the time of its acceptance.
12. The Contractor shall indemnify, hold harmless and defend the Department and Local Organizations from and against any liabilities, claims, penalties, fines, forfeitures, suites, and the costs and expenses incident thereto which may be alleged against the Department or Local Organizations or which the Department or Local Organizations may incur, become responsible for, or pay out as a result of death or bodily injury to any person, destruction or damage to any property, contamination of or adverse effects on the environment, or any violation or alleged violation of governmental laws, regulations or orders, to the extent that such damage was caused by the Contractor's negligent, willful or intentional act or omission, breach of contract or a failure of the Contractor's warranties to be true, accurate or complete.
13. The Contractor's bid, in response to the Department's Request for Proposal for subject services is hereby incorporated as Attachment A.

Ms. Hay outlined the proposals received and gave a brief explanation of each. She noted that GSX Services has changed its name to Laidlaw Environmental Services. The Boone County Toxic Cleanup Days event is slated to begin May 3 and continue for one week. The Madison and Warren county events will be held the following week. Ms. Hay stated that Laidlaw indicated they will be able to take dioxin bearing waste, and staff is checking with EPA to verify if they will be able to do that.

Motion was made by William Ehm to approve Laidlaw Environmental Services as the contractor to conduct the 1991 Spring Toxic Cleanup Days in Boone, Warren, and Madison Counties. Seconded by Mike Earley. Motion carried unanimously.

APPOINTMENT - ELEANOR KAISER

Eleanor Kaiser, co-owner of RoseBar Tire Shredding, addressed the Commission stating that she is present today because she is confused about the regulations coming out regarding solid waste tires. She also expressed concern about a requirement in their contract with DNR stating that they should allow visitors to their plant. Ms. Kaiser related that they receive as many as 20 calls a day requesting tours of the plant. She emphasized that it is very difficult to keep operating, and provide safety for employees, with all the interruptions from tourists. She asked the Commission for guidance on how far they must go in providing tours and still be able to stay within compliance of their contract.

Ms. Hay explained that one provision of all of the grant contracts is that information be provided on various grant projects. It is the department's position that individuals need to be allowed to look at the facility because state dollars were put into it. She added that staff does not expect personnel at a facility to drop everything if a person just walks in with no appointment, but if a party does call for an appointment they should be allowed to see a facility.

Nancylee Siebenmann asked if it would be adequate to publish certain days/hours of the week for tours.

Teresa Hay stated that she would have a problem with that type of arrangement and made reference to individuals calling for an appointment.

Eleanor Kaiser stated that last year she had an open house and she would have no objections to some type of open house. She added that the daily tours are getting to be too much and related that they do give tours on Saturday when the equipment is not running.

Richard Hartsuck asked Ms. Kaiser to draw up a proposal outlining what she would suggest in regards to scheduling tours, and then present this to the Commission.

Ms. Kaiser read a statement expressing RoseBar's concerns with the waste tire processing rules and asked that the final vote on these rules be delayed until next month.

A copy of Ms. Kaiser's statement is on file in the department's Records Center.

Chairperson Mohr informed Ms. Kaiser that the final rule on requirements for processing waste tires was adopted by the Commission earlier in the day.

Ms. Hay explained that the portion of the tire rules adopted by the Commission deal only with the size of a processed tire that is to be landfilled. She added that rules regarding waste tire storage, processing facilities, and permitting of those facilities, will come back before the Commission at the May or June meeting.

MONTHLY REPORTS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous substance/Emergency Response Report
4. Enforcement Status Report
5. Contested Case Status Report

Members of the department will be present to expand upon these reports and answer questions.

(Reports are shown on the following 14 pages)

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IOWA DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
RULEMAKING STATUS REPORT
April 1, 1991

PROPOSAL	NOTICE TO COMMISSION	NOTICE PUBLISHED	RULES REVIEW COMMITTEE	HEARING	SUMMARY OF COMMENTS & RECOMMENDATIONS TO COMMISSION	RULES ADOPTED	RULES PUBLISHED	RULE EFFECTIVE
1. Ch. 8 - Contracts	1/22/91	2/20/91	3/11/91	-----	4/15/91	*4/15/91	*5/15/91	*6/19/91
2. Ch. 61 - Phase III Stream Use Designations	1/22/91	2/20/91	3/11/91	3/12/91 3/13/91 3/14/91 3/15/91	*5/20/91	*5/20/91	*6/12/91	*7/17/91
3. Ch. 63 - Effluent Monitoring Requirements	9/17/90	10/17/90	11/13/90	11/07/90 11/08/90 11/13/90 11/14/90	4/15/91	*4/15/91	*5/15/91	*6/19/91
4. Ch. 66 - Aquatic Pesticide Rules	2/18/91	3/20/91	4/08/91	4/09/91 4/10/91 4/11/91	*5/20/91	*5/20/91	*6/12/91	*7/17/91
5. Ch. 68 - Commercial Cleaning of Private Sewage Disposal Facilities	1/22/91	2/20/91	3/11/91	3/12/91 3/13/91 3/14/91 3/15/91	*5/20/91	*5/20/91	*6/12/91	*7/17/91
6. Ch. 91 - Criteria for Award of Grants	4/15/91	*5/15/91	*6/ /91	*6/05/91 *6/06/91 *6/07/91	*7/15/91	*7/15/91	*8/07/91	*9/11/91
7. Ch. 92 - State Revolving Fund	4/15/91	*5/15/91	*6/ /91	*6/05/91 *6/06/91 *6/07/91	*7/15/91	*7/15/91	*8/07/91	*9/11/91
8. Ch. 102 - Financial Assurance/Closure and Post-Closure	*5/20/91	*6/12/91	*7/ /91	*7/ /91	*8/19/91	*8/19/91	*9/18/91	*10/23/91
9. Ch. 102 - Landfill Operator Certification	2/18/91	3/20/91	4/08/91	4/09/91	*5/20/91	*5/20/91	*6/12/91	*7/17/91
11. Ch. 117 - Waste Tire Storage and Processing Facilities	1/22/91	3/06/91	4/08/91	3/26/91 3/27/91 3/28/91 3/29/91	4/15/91	*4/15/91	*5/15/91	*6/19/91
11. Ch. 135 - UST Technical Standards (New Subrule 135.7(10) (Insolvency)	10/15/90	11/14/90	12/12/90	12/04/90 12/06/90 12/07/90	*5/20/91	*5/20/91	*6/12/91	*7/17/91

*Projected

MONTHLY VARIANCE REPORT						
Month: March, 1991						
No.	Facility	Program	Engineer	Subject	Decision	Date
1.	University of Iowa Hygenic Laboratory	Air Quality		Smoke Generators	Approved	03/22/91
2.	Palo Alto County Board of Supervisors	Air Quality		Landscape Waste	Approved	03/25/91
3.	Wildlands for the Future - Wetlands Dam/Dike - Monroe County	Flood Plain	USDA Soil Conservation Service	Floodway Encroachment	Approved	03/01/91
4.	City of Waterloo	Flood Plain	Shive-Hattery Engineers	Freeboard	Approved	03/12/91
5.	Iowa Department of Transportation - Harrison County	Flood Plain		Freeboard	Approved	03/14/91
6.	City of Ricketts	Watersupply Construction	Kuehl & Payer, Ltd.	Construction Materials	Approved	03/01/91
7.	Iowa-American Water Co. - Clinton	Watersupply Operation	S. R. Sager - IAWC	System Operation	Approved	03/25/91

E91Apr-31

April 1991

Environmental Protection Commission Minutes

Report of Hazardous Conditions

During the period March 1, 1991 through March 31, 1991, reports of 82 hazardous conditions were forwarded to the Central Office. Two incidents are highlighted below. A general summary and count by field office is attached. These do not include releases from underground storage tanks, which are reported separately.

Date Reported and County	Description: Material, Amount, Date of Incident, Cause, Location, Impact	Responsible Party	Response and Corrective Actions
02/25/91 Pottawattamie	Free petroleum product from an UST was observed leaking into Walnut Creek near the town of Walnut on 2/25/91. The release of product caused a sheen on the creek.	Gerstner Oil Company E. Hwy 50 Yankton, South Dakota	The responsible party was instructed to place a boom across the creek to absorb free product and to conduct a tank tightness test.
03/06/91 Wapello	On 3/6/91 a pipe on a storage tank containing lignin sulfonate was broken. 1800 gallons of product spilled onto the surrounding ground. No waterways were impacted.	Thermogas Company P.O. Box 732 Ottumwa, Iowa 52501	The responsible party was instructed to pump up free product, overexcavate contaminated soil and spread the material for dust control.

NUMBERS IN PARENTHESES REPRESENT REPORTS FOR THE SAME PERIOD IN FISCAL YEAR 1990

Substance Type					Mode					
Month	Total # of Incidents	Petroleum Product	Agri. Chemical	Other Chemicals and Substances	Handling and Storage	Pipeline	Highway Incident	RR Incident	Fire	Other
Oct.	112(89)	69(62)	7(10)	36(17)	70(52)	0(3)	25(10)	1(1)	1(1)	15(22)
Nov.	69(57)	36(36)	11(10)	22(17)	35(52)	0(3)	15(10)	4(2)	1(0)	14(5)
Dec.	85(65)	61(43)	14(4)	10(18)	37(32)	1(3)	23(9)	1(3)	1(2)	22(16)
Jan.	56(104)	31(76)	7(6)	18(22)	35(72)	1(2)	9(16)	1(4)	1(3)	9(7)
Feb.	77(69)	43(49)	7(7)	27(13)	47(45)	1(2)	14(13)	2(1)	2(1)	11(7)
March	82(104)	51(76)	10(6)	21(22)	43(72)	3(2)	17(16)	3(4)	0(3)	16(7)

Total Number Of Incidents Per Field Office This Period:

1	2	3	4	5	6
7	10	10	14	26	15

REPORTS OF RELEASES FROM UNDERGROUND STORAGE TANKS

During the period of March 1, 1991 through March 31, 1991, the following number of releases from underground storage tanks were identified.

122 (70)

The number in parentheses represents the number of releases during the same period in Fiscal Year 1990.

Environmental Protection Commission Minutes

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Enforcement Report Update

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Country Estates Mobile Court, Council Bluffs (4)	Drinking Water	Monitoring/Reporting- Bacteria, Public Notice	Order/Penalty	3/8/91
Associated Milk Producers, Inc., Fredericksburg (1)	Drinking Water	Public Notice	Order/Penalty Amended Order	3/8/91 3/20/91
Knollwood Mobile Home Court, Iowa City (6)	Drinking Water	Monitoring/Reporting- Bacteria, Public Notice	Order	3/8/91
Pine Ridge Clinton, Inc. Clinton (6)	Drinking Water	MCL - Bacteria, Public Notice	Order	3/8/91
Wagon Wheel, Monticello (7)	Drinking Water	MCL - Bacteria, Monitoring/Reporting- Bacteria & Nitrate, Public Notice	Order/Penalty	3/8/91
Emerson Water Department (4)	Drinking Water	MCL - Bacteria, Public Notice	Order	3/8/91
Gaul's Water Commission, Burlington (6)	Drinking Water	Monitoring/Reporting- Inorganics, Public Notice	Order/Penalty	3/8/91
Forest Ridge Youth Shelter, Estherville (3)	Drinking Water	Public Notice	Order/Penalty	3/8/91
Lyn-Den Heights Homeowners Assoc., Iowa City (6)	Drinking Water	Public Notice	Order/Penalty	3/8/91
Buffalo Bill Estates, Inc. MHP, Camanche (6)	Drinking Water	Monitoring/Reporting- Nitrate, Public Notice	Order/Penalty	3/8/91
Licht Trailer Court, Dubuque (1)	Drinking Water	Public Notice	Order/Penalty	3/8/91
Atrium Village Retirement Complex, Hills (6)	Drinking Water	Public Notice	Order/Penalty	3/8/91
Folletts Tavern, Camanche (6)	Drinking Water	Operation Without Permit; MCL-Bacteria; Monitoring/Reporting- Bacteria & Nitrate	Order/Penalty	3/8/91
Delaware Co. Landfill (1)	Solid Waste	Cover Violations	Order/Penalty	3/13/91
Martensdale, City of (5)	Wastewater	Monitoring/Reporting; Certified Operator	Order/Penalty	3/13/91
Robert G. Seymour, Martensdale (5)	Wastewater	Certified Operator; Monitoring/Reporting	Order	3/13/91
Edward and Margaret Cain, Clinton Co. (6)	Flood Plain	Channel Change	Referred to AG	3/18/91
Archer Daniels Midland Co., Clinton Co. (6)	Wastewater	Prohibited Discharge	Referred to AG	3/18/91
Chicago & Northwestern Transportation Co., Webster Co. (2)	Air Quality	Open Burning	Referred to AG	3/18/91
ASPRO, Inc., Waterloo (1)	Air Quality	Emission Standards	Referred to AG	3/18/91

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Pony Creek Homeowners Assoc. Pacific Junction (4)	Drinking Water	Monitoring/Reporting- Bacteria	Referred to AG	3/18/91
Boyd & Rummelhart, Inc. d/b/a Contractor's Tool & Supply Co., Iowa City (6)	Underground Tank	Closure Investigation	Order	3/20/91
Asgrow Seed Co., Butler Co. (2)	Air Quality	Construction Without Permit, Fugitive Dust	Order/Penalty	3/20/91
Cooperative Services, Inc. Hanlontown (2)	Hazardous Condition	Remedial Action	Order	3/22/91
Larry Leist d/b/a Leist Oil Co., Rockwell City (3)	Underground Tank	Closure Investigation	Order	3/26/91
Cota Industries, Inc., Des Moines (5)	Hazardous	Remedial Action	Emergency Order	3/28/91
Iowa City Regency Mobile Home Park, Iowa City (6)	Wastewater	Prohibited Discharge	Amended Order	3/28/91

Summary of Administrative Penalties

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Don and Gertrude Carney (Ft. Dodge)	SW	600	1-13-91
John Dennis and Kirk Knox (Audubon County)	SW	300	2-18-91
Pacific Junction Water Supply	WS	230	3-02-91
M & D's Chalet (Elgin)	WS	490	3-02-91
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Twin Knolls 6th Addition Water Co. (Cedar Rapids)	WS	50	4-02-91
Villa Hermosa (Cedar Rapids)	WS	200	4-02-91
Fred Varner (Worth County)	SW	1,000	4-11-91
Long Beach Mobile Park (Clear Lake)	WS	200	4-12-91
Cedar Terrace Mobile Home Park (Cedar Rapids)	WS	200	4-13-91
Williams Tavern & Sport Goods, Inc. (Harpers Ferry)	WS	200	4-21-91
Tama, City of	WW	1,000	4-22-91
Clearview Mobile Home Park (Grundy Center)	WS	200	4-26-91
Superior-Ideal, Inc. (Oskaloosa)	WW	250	4-26-91
Stu's Chick Haven (Boyden)	WW	1,000	5-06-91
Carmen M. Paulsen (Johnson County)	AQ/SW	1,000	5-12-91
Gaul's Water Commission (Burlington)	WS	200	5-13-91
Wagon Wheel (Monticello)	WS	330	5-13-91
Folletts Tavern (Camanche)	WS	825	5-13-91
Lyn-Den Heights Homeowners Assoc. (Iowa City)	WS	100	5-13-91
Buffalo Bill Estates, Inc. MHP (Camanche)	WS	245	5-14-91
Country Estates Mobile Home Court (Council Bluffs)	WS	165	5-15-91
Delaware County Landfill, Inc.	SW	600	5-15-91
Martensdale, City of	WW	1,000	5-15-91
Asgrow Seed Company (Butler Co.)	AQ	500	5-23-91
Roy Long (Knoxville)	SW	300	6-01-91

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The following cases have been referred to the Attorney General:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
OK Lounge (Marion)	WS	448	11-01-87
Richard Davis (Albia)	SW	1,000	2-28-88
<u>**Handi-Klasp, Inc. (Webster City)</u>	<u>WW/HC</u>	<u>1,000</u>	<u>8-02-88</u>
Eagle Wrecking Co. (Pottawattamie Co.)	SW	300	5-07-89
*Twelve Mile House (Bernard)	WS	119	5-20-89
*Lawrence Payne (Ottumwa)	SW	425	6-19-89
Richard Kleindolph (Muscatine)	SW	200	8-17-89
William L. Bown (Marshalltown)	SW	1,000	10-01-89
Darlo Schaap (Sioux Center)	SW	600	1-14-90
Wellendorf Trust (Algona)	AQ/SW	460	2-12-90
Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90
East Side Acres (Moville)	WS	200	12-26-89
East Side Acres (Moville)	WS	600	4-01-90
Craig Natvig (Cerro Gordo Co.)	SW	750	6-18-90
Amoco Oil Company (Des Moines)	UT	1,000	8-15-90
Gerald G. Pregler (Dubuque Co.)	SW	1,000	9-02-90
Donald R. Null (Clinton Co.)	AQ/SW	1,000	9-06-90
Pony Creek Homeowners Assoc. #1 (Pacific Jct.)	WS	315	2-24-91

** Independent Attorney General Action

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
AMOCO Oil Co. (Des Moines)	UT	1,000
Iowa City Regency MHP	WW	1,000
Great Rivers Coop (Atavia)	HC	1,000
1st Iowa State Bank (Albia)	SW	1,000
Cloyd Foland (Decatur)	FP	800
IBP, inc. (Columbus Junction)	WW	600
King's Terrace Mobile Home Court (Ames)	WW	1,000
Premium Standard Farms, Inc. (Boone Co.)	WW/AQ	700
Amoco Oil Co. (West Des Moines)	UT	1,000
Cozy Cafe (Lucas)	WS	500
Stone City Iron & Metal Co. (Anamosa)	AQ	1,000
Manson Water Supply	WS	500
Joe Villinger (West Point)	SW	500
Midwest Mining, Inc. (Harrison Co.)	FP	800
Orchard, City of	WW	300
Sioux City, City of	WW	1,000
Donald Ray Maasdam (Pocahontas Co.)	SW	1,000
Vern Starling (Boone Co.)	SW	1,000
Des Moines, City of	HC	1,000
Carl A. Burkhart d/b/a American Wrecking Co.	AQ/SW	1,000
Van Dusen Airport Services (Des Moines)	HC	1,000
Troy Mills Dam Assn. (Troy Mills)	FP	300
Maple Crest Motel and MHP (Mason City)	WS	350
Plymouth County Solid Waste Agency	SW	1,000
Lloyd Dunton (Iowa County)	SW	1,000
Chicago & North Western Transportation, et.al.	SW	1,000
Vincent Martinez d/b/a Martinez Sewer (Davenport)	HC	1,000
Richard Duncan (Louisa County)	SW/AQ	500
Joe Eggers, Jr., et. al. (St. Ansgar)	SW	1,000
McDowell Dam #1 (Lee County)	FP	500
McDowell Dam #2 (Lee County)	FP	500
Camp Riverside (Guthrie County)	FP	500
Jolley, City of	WS	300
Joe W. Ringsdorf (Kossuth County)	AQ	1,000
John W. Yotter (Louisa County)	SW	1,000
Molkenthin Swine Operation (Keokuk County)	WW	800

*On Payment Schedule

April The following administrative penalties were paid last month:

Minutes

NAME/LOCATION	PROGRAM	AMOUNT
Crab Tree Lake Resort (Marshall County)	WW	125
New Virginia Sanitary District	WW	1,000
Stan Moser (Hudson)	SW	396
Stuckey's #287-Pecan Shop (Little Sioux)	WS	750
Sky Line Inn (Dubuque)	WS	250
Fishermans Wharf (Dubuque)	WS	450
Castana, City of	WS	150
Merle Hall Trucking Co., et.al. (Brooklyn)	WW	500
Cedar Hills Apartments (Dubuque)	WS	300
Forest Ridge Youth Shelter Program (Estherville)	WS	100
David Brinegar (Wapello County)	WW	500
North Linn High School (Coggon)	WS	100
Atrium Village Retirement Complex (Hills)	WS	100
Licht Trailer Court (Dubuque)	WS	75

TOTAL \$4,796

The \$200 penalty assessed to Associated Milk Producers, Inc. (Fredricksburg) was rescinded.

McCabe's Supper Club (Burr Oak) has been removed from the active penalties list -- no further action will be taken.

The \$200 penalty assessed to Koch's Meadow Lake Campgrounds (Tipton) was rescinded.

*On Payment Schedule

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
ATTORNEY GENERAL REFERRALS
April 1, 1991

Name, Location and Region Number	New or Updated	Program	Alleged Violation	DNR Action	Status	Date
Aidex Corporation Council Bluffs (4)		Hazardous Waste	Release of Hazardous Substances	Referred to Attorney General	Referred EPA suit filed State intervention Motion to dismiss granted/denied Filed interlocutory appeal Decision in favor of govt. Case Management Hearing	12/16/82 2/26/87 3/05/87 2/26/88 3/11/88 4/04/89 11/20/90
American Pelletizing Corp. Knoxville (5)		Air Quality	Emission Standards	Order	Referred	2/18/91
Amoco Oil Company Des Moines/Ames (5)		Underground Tank	Remedial Action	Referred to Attorney General	Referred	10/15/90
Amoco Oil Company Des Moines/Ft. Madison (5&6)		Underground Tank	Remedial Action	Referred to Attorney General	Referred	8/21/90
Anderson, Nicklos J. d/b/a Far-Mor Feeder Pigs Henry County (6)		Wastewater	Prohibited Discharge	Order	Referred	2/18/91
Archer Daniels Midland Co. Clinton County (6)	New	Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	3/18/91
ASPRO, Inc. Waterloo (1)	New	Air Quality	Emission Standards	Referred to Attorney General	Referred	3/18/91
William L. Bown Marshalltown (5)		Solid Waste	Open Dumping	Order/Penalty	Referred Petition Filed Default Judgment	11/20/89 3/03/90 7/27/90
Bridgestone/Firestone, Inc. Des Moines (5)		Wastewater Hazardous Condition	Prohibited Discharge Failure to Notify	Referred to Attorney General	Referred	5/21/90
Bruening Rock Products, Inc. Elma (1)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	2/18/91

Environmental Protection Commission Minutes

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DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
ATTORNEY GENERAL REFERRALS
April 1, 1991

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Aidex Corporation Council Bluffs (4)		Hazardous Waste	Release of Hazardous Substances	Referred to Attorney General	Referred EPA suit filed State intervention Motion to dismiss granted/denied Filed interlocutory appeal Decision in favor of govt. Case Management Hearing	12/16/82 2/26/87 3/05/87 2/26/88 3/11/88 4/04/89 11/20/90
American Pelletizing Corp. Knoxville (5)		Air Quality	Emission Standards	Order	Referred	2/18/91
Amoco Oil Company Des Moines/Ames (5)		Underground Tank	Remedial Action	Referred to Attorney General	Referred	10/15/90
Amoco Oil Company Des Moines/Ft. Madison (5&6)		Underground Tank	Remedial Action	Referred to Attorney General	Referred	8/21/90
Anderson, Nicklos J. d/b/a Far-Mor Feeder Pigs Henry County (6)		Wastewater	Prohibited Discharge	Order	Referred	2/18/91
Ancher Daniels Midland Co. Clinton County (6)	New	Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	3/18/91
ASPRO, Inc. Waterloo (1)	New	Air Quality	Emission Standards	Referred to Attorney General	Referred	3/18/91
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Bridgestone/Firestone, Inc. Des Moines (5)		Wastewater Hazardous Condition	Prohibited Discharge Failure to Notify	Referred to Attorney General	Referred	5/21/90
Bruening Rock Products, Inc. Elma (1)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	2/18/91
Cain, Edward and Margaret Clinton County (6)	New	Flood Plain	Channel Change	Referred to Attorney General	Referred	3/18/91
Carnicle, Roger d/b/a The New Shack Tavern Cedar Rapids (1)		Drinking Water	MCL - Bacteria	Referred to Attorney General	Referred Petition Filed	9/18/90 12/31/90
Cedar Hills Apartments Dubuque (1)	Updated	Drinking Water	Monitoring/Reporting	Order/Penalty	Referred Penalty Paid (\$300)	1/22/91 3/19/91
Cerro Gordo County Area Landfill Agency (2)		Solid Waste	Cover Violations	Referred to	Referred Petition Filed Answer Filed	4/16/90 6/25/90 8/13/90
Chalfant, Milo, et.al. Webster City (2)		Solid Waste	Illegal Disposal	Order/Penalty	Referred Suit Filed	9/20/89 8/08/90
Chicago & Northwestern Transportation Co. Webster County (2)	New	Air Quality	Open Burning	Referred to Attorney General	Referred	3/18/91
Clinton Pallet Co. Clinton (6)		Solid Waste	Illegal Disposal	Referred to Attorney General	Referred Suit Filed Default Judgment	6/21/89 11/09/89 4/ /90
Cooper, Kenneth/Hunter Oil Winburn (5)		Storage Tank	Spill Cleanup	Order	Cooper Referred Hunter Referred Site Assessment DNR Review Remediation Plan	8/17/88 2/01/90 4/20/90 8/22/90
Country Lane Foods, Division of Yoder, Inc., Kalona (6)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	11/20/90

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
ATTORNEY GENERAL REFERRALS
April 1, 1991

Name, Location and Region Number	New or Updated	Program	Alleged Violation	DNR Action	Status	Date
Davis, Richard & Sonja (5)		Solid Waste	Open Unpermitted Dumping	Referred to Attorney General	Referred Suit Filed Default Judgement Filed Motion to Deny Default Motion Overruled	6/22/88 8/11/88 4/21/89 6/14/89 10/04/89
Jimmy Dean Meat Co., Inc. (5)		Wastewater	Pretreatment	Referred to Attorney General	Referred	4/16/90
Denham, Larry Ottumwa (6)		Solid Waste	Illegal Disposal	Referred to Attorney General	Referred Petition Filed	8/21/90 11/30/90
Des Moines, City of (5)		Wastewater	Operation Violations	Referred to Attorney General	Referred	9/18/90
Dexter Co., The Fairfield (6)		Wastewater	Prohibited Discharge Effluent Limit Discharge	Referred to Attorney General	Referred Petition Filed	3/20/90 7/31/90
Drewelow, Harvey d/b/a Hanson Tires New Hampton (1)	Updated	Air Quality Solid Waste	Open Burning Illegal Disposal	Referred to Attorney General	Referred Petition Filed	6/19/90 3/13/91
Drips, Joseph and Diana vs. DNR		Wastewater	Private Sewage Disposal	Defending	Suit Filed	8/06/90
Eagle Wrecking Co. Pottawattamie Co. (4)		Solid Waste	Open Dumping	Order/Penalty	Referred Bankruptcy Claim Filed	6/21/89 7/24/89
Ervin, Don Webster County (2)		Solid Waste	Operation Without Permit	Order/Penalty	Referred Motion for Summary Judgment Hearing Held Judgment for \$1,000 Execution & Order to Levy Application to Condemn Funds Partial Payment Received (\$331)	4/16/90 6/02/90 7/02/90 7/13/90 9/28/90 11/27/90 11/30/90
Fairfield, City of (6)		Wastewater	Monitoring/Reporting Discharge Limitations Operation Violation	Order	Referred Petition Filed	2/20/90 7/31/90
Fred Carlson Co., Inc. Decorah (2)		Air Quality	Emission Standards	Referred to Attorney General	Referred	2/18/91
Giametta, Dominic d/b/a Fred's 66, Davenport (6)		Underground Tank	Remedial Action	Order/Penalty	Referred Petition Filed	12/11/89 7/02/90
Great Dane Fertilizer, Inc. Audubon (4)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	9/18/90
Hancock County and William Waddingham (2)		Underground Tank	Remedial Action	Referred to Attorney General	Referred	11/20/90
Holnam Northwestern Cement Mason City (2)		Air Quality	Emission Standards	Referred to Attorney General	Referred	8/21/90
Humboldt Co. Landfill Commission (2)		Solid Waste	Cover Violations	Order/Penalty	Referred Petition Filed Discovery Proceeding	11/20/89 8/30/90 11/15/90
IBP, Inc. Columbus Junction (6)		Wastewater	Prohibited Discharge	Referred to Attorney General	Judicial Review Ruling on Appeal	10/16/90 2/04/91
Iowa Dress Club, Inc. Oskaloosa (5)		Wastewater Solid Waste	Prohibited Discharge Illegal Disposal	Referred to Attorney General	Referred	7/16/90
Kleindolph, Richard Huscatine (6)		Solid Waste	Open Dumping	Order/Penalty	Referred Petition Filed Default Judgment Partial Penalty Paid (\$300)	10/24/89 4/06/90 8/13/90 9/13/90
Kollbaum, Garry East Side Acres Moville (3)		Drinking Water	MCL-Nitrate	Order/Penalty	Referred Petition Filed	5/21/90 7/02/90
Lakeshore Drive, Inc. et.al. Osceola (5)		Flood Plain	Reconstruction	Order	Referred Petition Filed Judgment vs. Lakeshore	11/20/89 2/07/90 4/09/90

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
ATTORNEY GENERAL REFERRALS
April 1, 1991

Name, Location and Region Number	New or Updated	Program	Alleged Violation	DNR Action	Status	Date
Larson, Daryl, D.V.M. Audubon (4)	Updated	Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Trial Information	11/20/89 3/19/91
Lenox, City of and Papetti's of Iowa, Inc.		Wastewater	Effluent Standards Treatment Agreement	Order	Referred	2/18/91
Mathern, Larry (Larry's DX) Ralph Beck; Walker Oil Co. (5)		Underground Tank	Remedial Action	Referred to Attorney General	Referred Petition Filed	2/20/90 7/02/90
Mike McGinnis, Alfred Patten and Dennis Lewis Pottawattamie Co. (4)		Solid Waste	Open Dumping	Referred to Attorney General	Referred Suit Filed	10/24/89 11/15/89
Bob McKiniss Excavating & Grading v. IDNR	New	Hazardous	DNR Defendant	Defense	Suit Filed	3/12/91
Miller Products Co. (5)		Wastewater	Pretreatment	Order/Penalty	Referred Petition Filed	4/16/90 11/29/90
Monfort, Inc. (5)		Wastewater	Prohibited Discharge	Attorney General	Referred	12/11/89
Moser, Stan		Solid Waste	Illegal Dumping	Order/Penalty	Judicial Review Order Affirmed Contempt Citation Modified (\$500) Contempt Citation	9/26/88 5/25/89 1/24/90 5/21/90 11/14/90
				Referred to Attorney General	Referred Petition Filed Trial Decision (\$1,800)	7/19/89 9/12/89 3/15/90 12/11/90
Netvig, Craig Mason City (2)		Solid Waste	Operation Without Permit	Order/Penalty	Referred Petition Filed	8/21/90 11/29/90
Null, Donald Clinton County (6)		Air Quality Solid Waste	Open Burning Illegal Disposal	Order/Penalty	Referred	10/15/90
Osceola, City of (5)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed	4/16/90 11/30/90
Pete's Sunoco/ Popejoy Septic West Des Moines (5)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	6/19/90
Pony Creek Homeowners Assoc. #1 Pacific Junction (4)	New	Drinking Water	Monitoring/Reporting- Bacteria	Order/Penalty	Referred	3/18/91
Pregler, Gerald Dubuque County (1)		Solid Waste	Illegal Disposal	Order/Penalty	Referred	10/15/90
Pruess v. IDNR		Hazardous Condition	DNR Defendant	Abatement Order	Suit Filed Hearing DNR Motion to Dismiss Hearing Amended Petition DNR Motion to Dismiss Hearing Set Dismissed Appealed to Supreme Court	4/24/90 4/30/90 5/14/90 5/15/90 5/25/90 6/18/90 8/10/90 8/21/90 9/19/90
Root, William/LAWNKEEPERS Mitchell County (2)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	7/16/90
Sani-Wash Corporation Clinton (6)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Trial Information Filed Guilty Plea	8/23/89 10/19/90 10/19/90
Schaap, Darlo Sioux Center (3)		Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed	2/20/90 6/21/90
Schultz, Albert and Iowa Iron Works Ely (1)		Solid Waste	Open Dumping	Referred to Attorney General	Referred Suit Filed	9/20/89 8/08/90
Sevig, Gordon, et.al. Walford (1)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Criminal Charges Filed	9/20/89 7/15/90
Siouxland Quality Meat Co., Inc. Sioux City (3)		Wastewater	Discharge Limitations	Referred to Attorney General	Referred Petition Filed	2/20/90 7/02/90

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DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
ATTORNEY GENERAL REFERRALS
April 1, 1991

Name, Location and Region Number	New or Updated	Program	Alleged Violation	DNR Action	Status	Date
Stickle Enterprises, Ltd. et.al., Cedar Rapids (6)		Air Quality	Open Burning	Referred to Attorney General	Referred Suit Filed Trial Set Trial Continued	9/20/89 10/17/89 10/16/90
Sun Wise Systems Corp. Sac City (3)		Wastewater	Pretreatment	Referred to Attorney General	Referred	10/15/90
Swea City Oil Co./Irene Fagerlund, Swea City (2)		Underground Tank	Remedial Action	Referred to Attorney General	Referred	8/21/90
Touchdown Co., et. al., Webster City (2)		Underground Tank	Prohibited Discharge Failure to Report Hazardous Condition	Referred to Attorney General	Referred Petition Filed	6/21/89 2/14/91
United Technologies Automotive Iowa City (6)		Air Quality	Construction Without Permit	Referred to Attorney General	Referred Petition Filed Consent Decree (\$3,500)	10/15/90 2/07/91 2/12/91
Witt, John J. Long Grove (6)		Solid Waste	Illegal Disposal	Referred to Attorney General	Referred Petition Filed Default Judgment (\$6,000)	8/21/90 10/16/90 12/11/90

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
CONTESTED CASES
APRIL 1, 1991

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
1-23-86	Oelwein Soil Service	Administrative Order	WW	Landa	Hearing continued.
12-03-86	Waukeg, City of	Administrative Order	WS	Hansen	Construction completed. Settlement proposed.
5-12-87	Iowa City Regency MHP	Administrative Order	WW	Hansen	Hearing held 11-03-87; amended order issued.
8-10-87	Great Rivers Co-op	Administrative Order	HC	Landa	Additional round of sampling required.
1-15-88	First Iowa State Bank	Administrative Order	SW	Kennedy	Final order 3/18/91.
2-04-88	Beaverdale Heights, Woodsman; Westwood Hills	Administrative Order	WS	Landa	Settlement proposed.
2-05-88	Warren County Brenton Bank	Administrative Order	UT	Landa	Additional work requested and initiated.
3-01-88	Cloyd Foland	Administrative Order	FP	Clark	Supreme Court confirms;remands other issues.
7-25-88	Nishna Sanitary Services, Inc.	Permit Conditions	SW	Landa	Settlement proposed.
8-03-88	Hardin County	Permit Conditions	SW	Landa	Settlement proposed.
10-03-88	IBP, Columbus Junction	Administrative Order	WW	Clark	Appealed to District Court; remanded 2/4/91.

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10-20-88	Worth Co. Co-Op Oil Northwood Cooperative Elevator Sunray Refining and Marketing Co.	Administrative Order	HC	Landa	Compliance initiated. Assessment report submitted.
1-25-89	Amoco Oil Co. - Des Moines	Administrative Order	UT	Landa	Settlement proposed. Clean-up progressing.
2-10-89	Northwestern States Portland Cement Company	Site Registry	HW	Landa	Settlement proposed.
2-10-89	Baier/Mansheim/Moyer	Site Registry	HW	Landa	Hearing continued. Settlement proposed.
2-16-89	John Deere Co. - Dubuque	Site Registry	HW	Landa	Final decision 12/17/90. Judicial review.
2-16-89	Premium Standard Farms	Administrative Order	WW/AQ	Murphy	Hearing continued.
3-14-89	Dannie R. Hoover and Bill Edwards	Flood Plain Permit Issuance	FP	Clark	Amended proposed decision affirmed 3/15/91.
5-01-89	Amoco Oil Co. - West Des Moines	Administrative Order	UT	Landa	Compliance initiated.
6-08-89	Shaver Road Investments	Site Registry	HW	Landa	Hearing continued. Discovery initiated.
6-08-89	Hawkeye Rubber Mfg. Co.	Site Registry	HW	Landa	Hearing continued. Discovery initiated.
6-08-89	Lehigh Portland Cement Co.	Site Registry	HW	Landa	Hearing continued. Discovery initiated.
6-12-89	Amana	Site Registry	HC	Landa	Negotiating before filing.
6-19-89	Grand Mound, City of	Administrative Order	WW	Hansen	Amended order issued.
6-22-89	Chicago & Northwestern Transportation Co. Hawkeye Land Co. Blue Chip Enterprises	Administrative Order	HC	Landa	Proposed decision 12/13/90; appealed. Oral argument 5/20/91.
7-26-89	Cozy Cafe	Administrative Order	WS	Hansen	Legal Services sent follow-up letter.
9-01-89	Stone City Iron & Metal	Administrative Order Permit Denial	AQ	Kennedy	Temporary permit issued 5/31/90.
10-24-89	Farmers Cooperative Elevator Association of Sheldon	Site Registry	HC	Landa	Negotiation proceeding.
10-24-89	Consumers Cooperative Assoc.	Site Registry	HC	Landa	Negotiation proceeding.
11-03-89	Bridgestone/Firestone, Inc.	Site Registry	HC	Landa	Hearing continued pending negotiations.
11-17-89	Aten Services, Inc.	Administrative Order	SW/UT	Landa	Compliance completed.
12-11-89	Leo Schachtner	Permit Issuance	FP	Clark	Hearing continued.

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1-02-90	Midwest Mining, Inc.	Administrative Order	FP	Clark	Negotiating before filing.
1-04-90	Joe Villinger	Administrative Order	SW	Kennedy	Negotiating before filing.
1-08-90	Northwestern States Portland Cement Co.	Permit Amendment	WW	Landa	Negotiating before filing.
3-20-90	Kaneb Pipeline Co.	Administrative Order	HC	Landa	Hearing continued/settlement proposed.
3-22-90	Vern Starling	Administrative Order	SW	Kennedy	Hearing continued to 4/08/91.
3-27-90	Orchard, City of	Administrative Order	WW	Hansen	Negotiating before filing.
4-23-90	Sioux City, City of	Administrative Order	WW	Hansen	Informal meeting held on 5/18/90.
5-08-90	Texaco Inc./Chemplex Company Site	Site Registry	HW	Landa	Hearing continued to 6/03/91.
5-09-90	Raccoon Valley State Bank	Administrative Order	HC	Landa	Hearing continued. Depositions taken.
5-09-90	Square D Company	Site Registry	HW	Landa	Hearing continued. Compliance initiated.
5-11-90	Carl A. Burkhart	Administrative Order	AQ/SW	Kennedy	Awaiting decision.
5-14-90	Van Dusen Airport Services	Administrative Order	HC	Landa	Compliance initiated.
5-15-90	Des Moines, City of	Administrative Order	HC	Landa	Hearing continued. Settlement proposed.
6-11-90	Troy Mills Dam Assoc.	Administrative Order	FP	Clark	Sent to DIA.
6-14-90	Willow Tree Investments, Inc.	Administrative Order	UT	Landa	Negotiating before filing.
6-18-90	Sioux City, City of	NPDES Permit Cond.	WW	Hansen	Negotiating before filing.
6-18-90	Ames, City of	NPDES Permit Cond.	WW	Hansen	Proposed decision issued and appealed to EPC.
6-20-90	Des Moines, City of	NPDES Permit Cond.	WW	Hansen	Informal meeting to be scheduled.
6-26-90	Maple Crest Motel and Mobile Home Park	Administrative Order	WS	Hansen	Negotiating settlement.
7-02-90	Keokuk Savings Bank and Trust Keokuk Coal Gas Site	Site Registry	HW	Landa	Hearing continued to 6/11/91.
7-11-90	Chicago & Northwestern Co.; Steve L. Carroll; Susan E. Carroll; and Tracy A. Carroll	Administrative Order	NR	Kennedy	New orders issued 12/28/90 rescinding prior orders.
11-20-90		Administrative Order	SW	Kennedy	Hearing set for 4/29/91.

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7-23-90	IBP, Dakota City	Administrative Order	WW	Hansen	Informal meetings 1/25/91.
7-25-90	Thomas and Arlene Griffin	Water Use Permit	WR	Clark	Proposed decision 3/14/91.
7-26-90	Plymouth County SW Agency	Administrative Order	SW	Kennedy	Negotiating before filing.
7-30-90	Key City Coal Gas Site; Murphy Trust & Howard Pixler	Site Registry	HW	Landa	Hearing scheduled for 5/28/91.
8-01-90	J.I. Case Company	Site Registry	HW	Landa	Hearing continued.
8-06-90	Lake Manawa Nissan, Inc.	Administrative Order	UT	Landa	Compliance initiated.
9-06-90	Wilbur Mumelin d/b/a Lakeview Enterprises; Carl Mankenson	Administrative Order	UT	Landa	Hearing continued. Compliance initiated.
9-10-90	IBP, inc. Columbus Junction	Administrative Order NPDES Permit	WW	Hansen	Depositions 4/12/91. Hearing set for 5/14/91.
9-12-90	Michael & Joyce Haws; George H. Gronau	Administrative Order	UT	Landa	Stipulations prepared.
9-20-90	Duane Schwarting	Variance Denial	SW	Kennedy	Hearing continued.
10-02-90	James Rhoads	Administrative Order	HC	Landa	Negotiating before filing.
10-11-90	Commercial Equipment Co., Inc.	NPDES Permit Denial	WW	Landa	Hearing held. Decision pending.
10-15-90	Westside General Store Corp.	Administrative Order	UT	Landa	Negotiating before filing.
10-17-90	Chicago & Northwestern Transportation Co.	NPDES Permit Conditions	WW	Landa	Settlement proposed.
10-18-90	Harlan Pruess	Claim	HC	Landa	Hearing scheduled for 6/24/91.
10-23-90	Chariton Municipal Water Department	Water Use Permit	WS	Clark	Discovery initiated.
10-29-90	Arcadian Corporation	NPDES Permit Conditions	WW	Hansen	Sent to DIA.
11-06-90	Vincent Martinez d/b/a Martinez Sewer Service	Administrative Order	HC	Landa	Compliance initiated.
11-13-90	Lloyd Dunton	Administrative Order	SW	Kennedy	Negotiating before filing.
11-15-90	Springwood Enterprises, Inc.	Water Use Permit	WR	Clark	Sent to DIA.
11-29-90	Natural Gas Pipeline of America	NPDES Permit Denial	WW	Hansen	Hearing set for 6/26/91.
12-04-90	United States Gypsum Company	Administrative Order	SW	Kennedy	Negotiating before filing.

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12-10-90	ISU - Ames Laboratory Chemical Disposal Site	Site Registry	HC	Landa	Negotiating.
12-19-90	Aratex Services, Inc.	Site Registry	HC	Landa	Sent to DIA.
12-21-90	Des Moines, City of	Administrative Order	UT	Landa	Sent to DIA.
12-27-90	McAtee Tire Service, Inc.	Administrative Order	SW	Kennedy	Sent to DIA.
1-07-91	Joe E. Eggers, Jr.; Joe and Mary Eggers	Administrative Order	SW	Kennedy	Negotiating before filing.
1-09-91	Iowa Southern Utilities	Administrative Order	HC	Landa	Sent to DIA.
1-11-91	Fansteel/Wellman Dynamics	Site Registry	HC	Landa	Negotiating before filing.
1-22-91	Richard Duncan	Administrative Order	SW/AQ	Kennedy	Negotiating before filing.
1-23-91	Stuckey's Pecan Shoppe #267	Administrative Order	WS	Clark	Negotiating before filing.
1-28-91	McDowell Dam #1	Administrative Order	FP	Clark	Sent to DIA.
2-22-91	Leon & Rebecca Pierce Camp Riverside	Administrative Order	FP	Clark	Hearing set for 4/22/91.
2-28-91	Bloomfield Foundry, Inc.	Tax Certification Denial	AQ	Landa	Sent to DIA.
3-11-91	John W. Yotter	Administrative Order	SW	Kennedy	Negotiating before filing.
3-11-91	E.I. duPont De Nemours	Water Use Permit	WR	Clark	Negotiating before filing.
3-11-91	Jolley, City of	Administrative Order	WS	Hansen	Negotiating before filing.
3-14-91	Joe Ringsdorf	Administrative Order	AQ	Kennedy	Negotiating before filing.
3-15-91	Muscatine, City of	Administrative Order	WW	Hansen	Negotiating before filing.
3-21-91	Molkenthin Swine Operation	Administrative Order	WW	Murphy	Negotiating before filing.
3-22-91	Mitchell Bros. Boars and Gilts	Administrative Order	WW	Murphy	Negotiating before filing.

This was an informational item; no action was required.

STATE REVOLVING FUND INTENDED USE PLAN - FY 91

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission in its January meeting approved the Intended Use Plan (IUP) for the FY 1991 State Revolving Fund program. A hearing was held in December and comments received were included in the IUP recommended for approval. The approved plan listed 28 wastewater projects for loan funding in 1991. Since the approval of the IUP, two additional applications have been received. The IUP recognized that the total funds that could be available to Iowa for 1991 may exceed what would be necessary for funding all the applications listed. In other words, there was room for more applicants in the program. EPA has advised, and the IUP required however, that all projects funded must have undergone the opportunity for public input. Since the two new applications were not included in the approved IUP or included in the hearing comments, they must be placed on public notice and the public be given opportunity to comment. In order to keep the program moving, the Department set a hearing date for a proposed amended Intended Use Plan.

In addition to the above change, the department has been advised by several applicants that appear in the approved IUP that their costs have been revised. We also learned that other projects have gotten word that they either have been approved or not approved for Community Development Block Grants (CDBG). Thus for some, loan needs have decreased, and, for others, have increased. Others, whose project was dependent on partial grant assistance to make the project feasible, have advised us that they did not receive a CDBG and must therefore withdraw their SRF application. These adjustments would not require another public hearing, however, the Department is including this information in the notice of this proposed IUP revision.

A summary of the revisions to the list of projects in the IUP at this time follows:

New Applicants		Withdrawn		Increase/(Decrease)	
Adel	\$ 471,000	Carroll	\$406,000	Anita	\$150,000
Johnston	2,185,000	Central City	670,000	Avoca	(277,000)
		Denmark SSD	794,000	Coralville	495,000
		Orchard	265,000	Farragut	200,000
		Ossian	71,000	Indianola	250,000
		Woodbine	149,000		
+2,656,000		-2,355,000		+ 818,000	

The net change of all application adjustments on the IUP will be an increase of \$1,119,000 in loan requests. The FY 1991 program can accomodate these. We will be near the capacity of the SRF fund.

The Department expects to apply for the federal capitalization grant as soon as possible. The bonds for the state match requirement must also be sold so that loans will be available to those projects ready to proceed. A delay in setting a hearing would delay the State's grant application, subsequent bond sale and loan funding for many projects. Thus, the Department elected to proceed to hearing as soon as possible.

A public hearing will be set at the earliest date possible in April and it is intended that a recommendation will be presented to the Commission in May.

Mr. Stokes explained that since the Commission's action in January there were two new applicants, six withdrawals, and five changes in the amount applicants have requested for their loans. The department will be holding a public hearing on these revisions and the commission will be asked for final approval of these changes at a later meeting.

This was an informational item; no action was required.

NOTICE OF INTENDED ACTION--CHAPTERS 91 & 92, CRITERIA FOR AWARD
OF GRANTS & STATE REVOLVING LOAN FUNDS FOR WASTEWATER TREATMENT

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following items.

Chapter 92 deals with State Revolving Fund (SRF) administration. Chapter 91 is the priority rating system for establishing the list of fundable projects. The priority system has been used for establishing the construction grant priority list and is used for SRF funding as well. Proposed revisions to Chapter 91 include:

Updating of the priority rating criteria to reflect water quality standards revised in 1990.

Minor wording changes to allow priority list development and administration to be applicable to the SRF program.

Chapter 92 has not been revised since its original development for the SRF program. Minor revisions are proposed as follows:

Loan application documents are minimized.

The significance of the application deadline is clarified.

Costs eligible for loan financing are revised to clarify that they may begin when the Intended Use Plan is approved rather than the date of approval of a loan.

The priority system will be used to rank applications received for fiscal year 1992 SRF loans, which are due July 1.

The Commission is requested to approve publication of a Notice of Intended Action for hearings to be held June 5, 6, and 7, 1991 at Denison, Iowa; Kirkwood Community College, Cedar Rapids, Iowa; and the Wallace Building.

(Notice for Chapter 91 is shown on the following 7 pages)

ENVIRONMENTAL PROTECTION COMMISSION [567]
Notice of Intended Action

Pursuant to the authority of Iowa Code section 455B.105 and 455B.245, the Environmental Protection Commission gives notice of intended action to amend Chapter 91, "Criteria for Award of Grants," Iowa Administrative Code.

Chapter 91 provides for the state's administration of activities necessary for the disbursement and management of federal allotments to Iowa for grants for construction of municipal wastewater treatment facilities. It includes a priority rating system which has been used for establishing the construction grant priority list and is used for State Revolving Fund (SRF) funding as well. Proposed revisions to Chapter 91 include: updating of the priority rating criteria to reflect water quality standards revised in 1990; and minor wording changes to facilitate priority list development and administration to be applicable to the SRF program.

Any interested person may file written suggestions or comments on the proposed rule revisions through June 14, 1991. Such written materials should be directed to the Administrator of the Environmental Protection Division, Department of Natural Resources, Wallace State Office Building, 900 East Grand Avenue, Des Moines, Iowa 50319-0034. FAX: (515)281-8895.

Persons who wish to convey their views orally should contact Wayne Farrand, 515/281-8877; or at the department offices on the fifth floor of the Wallace State Office Building, Des Moines, Iowa 50319-0034.

Persons are also invited to present oral or written comments at any one of three public hearings which will be held on June 5, 1991, at 10 a.m. at the Denison Community Room, 111 North Main Street, Denison, Iowa; on June 6, 1991, at 10 a.m. at Kirkwood Community College, Auto Collision Building, Cedar Rapids, Iowa; and on June 7, 1991, at 10 a.m. at the Wallace State Office Building in the fourth floor east conference room, 900 East Grand Avenue, Des Moines, Iowa.

Copies of the proposed rules may be obtained from the Records Section, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand, Des Moines, Iowa 50319-0034.

In accordance with Iowa Code section 17A.31, notice is hereby given that these rules may have an impact on small business.

These rules are intended to implement Iowa Code section 455B.105 and 455B.245.

Environmental Protection [567]

CHAPTER 91

CRITERIA FOR AWARD OF GRANTS

ITEM 1. Amend 567--91.2 as follows:

91.2(1) Program description. The Federal Water Pollution Control Act is directed toward improvement of the quality of surface waters. This Act establishes financial assistance a--federal--grant programs to provide assistance to municipalities for fulfilling their obligations to meet minimum federal treatment requirements and state water quality standards. The federal grant program is administered by the Iowa department of natural resources, under authority delegated by the Environmental Protection Agency (EPA). The department of natural resources is the designated regulatory agency for water quality control in Iowa. In coordination with other state agencies and interests, the department of natural resources establishes water quality standards for Iowa waters. The department of natural resources is responsible for the establishment of the Priority System and the State Project Priority List according to federal regulations. The department of natural resources is the primary contact for financial assistance applicants and recipients grant applicants-and-grantees regarding all matters in the wastewater treatment works assistance construction-grant programs. The environmental protection commission establishes state policy for administration of the programs.

91.2(2) State priority system. The Priority System establishes a method for ranking projects considered eligible for financial assistance construction grant-funds and sets forth the procedures used to develop and revise the State Project Priority List. It also describes administration and management of state responsibilities in the Construction Grant program. The Priority System has been developed in an effort to achieve optimum water quality improvement consistent with the goals and requirements of the Federal Water Pollution Control Act. The development of a new or revised Priority System is made according to the state rule-making process and will be subject to the public participation procedures described in 91.3. The Priority System is comprised of the rules in this chapter.

91.2(3) State project priority list. The grant allotments available to Iowa each year for constructing publicly owned facilities are limited and not all projects may not can be funded. The state, therefore, establishes a fundable list for the distribution of grant funds allotted to Iowa. The State Project Priority List also includes a planning list which consists of projects which may utilize future financial assistance grant funds. The annual State Project Priority List, upon EPA approval, replaces previously approved project priority lists.

ITEM 2. Amend subrule 91.5(2) a, as follows:

91.5(2) Priority assignments.

a. Point source rating criteria application - All projects are evaluated and placed on the State Project Priority List according to the point source rating criteria in 91.10(455B) of the Priority System. Unfunded pProjects will be re-evaluated and subsequently placed on the priority list for two-year intervals starting with the FY 85 and FY 86 period.

ITEM 3. Amend subrule 91.5(3) as follows:

~~91.5(3) Point source rating criteria information.~~

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a. Factors considered in the criteria - The formula used to rate projects is contained in 91.10(455B). In developing project rating criteria for the Priority System, the state considered the following factors:

(1) The severity of the pollution problem.

(2)--The-existing-population-affected:

(2)(3) The need for preservation of high quality waters.

(3)(4) Specific categories of needs are not a part of the point source rating criteria; however, they are a factor in the Priority System to determine if a project can be placed on the State Project Priority List.

ITEM 4. Amend subrule 91.5(4) as follows:

91.5(4) State project priority list. The Priority System is used to derive a listing of projects in priority order which qualify for financial federal grant assistance, including both a Fundable and a Planning List.

a. Fundable List - Includes project steps scheduled for award of grant assistance from funds available for obligation during the fiscal year. The Fundable List is determined by the following factors:

(1) Project schedules - Schedules for project steps are based on their present status and anticipated progress. Readiness is not a factor in priority ranking; however, it may determine if a project can be placed on the Fundable List. Only projects considered capable of readiness within the fiscal year can be placed on the Fundable List. It is the applicant's grantee's responsibility to complete work necessary as a prerequisite to the step appearing on the State Project Priority List. Criteria for Fundable List consideration:

1. An applicant for grant funding must have a complete facility plan on file with the department by June 1, 1986, or thereafter in succeeding years by April 1 of the year prior to the fiscal year funding is requested (i.e., Example - Facility plan must be submitted by June 1, 1986, in order for the project to be considered for the FY-87 Priority List. Facility plans must be submitted by April 1, 1987, to be considered for the FY-88 Priority List).

2. In addition, applicants applying for Step 3 grant funding must be projected to have final plans and specifications on file for departmental review by April 1 during the fiscal year of requested funding.

Projects included on the Fundable List which cannot attain readiness within the fiscal year may be removed and placed on the Planning List in accordance with 91.9(455B), State project priority list revisions.

(2) Project priorities - Projects with qualifying schedules will be considered in priority order for placement on the Fundable List. Subsequent segments of a project which has been awarded financial assistance a Step-3 grant for Category I and Category II needs will be placed on the Fundable List ahead of other new Step-3-or-Step-4 projects whose schedules also would allow funding during the fiscal year.

ITEM 5. Amend rule 91.6 as follows:

567--91.6(455B) Grant funding policy.

91.6(1) General funding policy. Each municipality with a qualifying need is assigned a priority and is funded as allowed by its relative priority and according to this section.

Starting October 1, 1984, federal grants for new projects will be 55 percent. Some segmented and phased projects which were described in a facilities plan approved before October 1, 1984, and included a Phase or Segment which received a grant prior to October 1, 1984, may continue to receive 75 percent funding. In cases where a primary, secondary, or advanced waste treatment facility or its related interceptors or a project for

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infiltration/inflow correction has received a grant for erection, building, acquisition, alteration, remodeling, improvement, extension or correction before October 1, 1984, all segments and phases of such facility, interceptors and project for infiltration/inflow correction will be eligible for grants at 75 percent.

91.6(2) Eligibility of project categories. The state has authority to determine the priority for each category of need defined by the Federal Water Pollution Control Act. These policies will be used to determine the circumstances under which each category will be endorsed by the state for federal grant funding. Projects will be placed on the State Project Priority List and, if necessary, removed from the State Project Priority List in accordance with these policies. Starting October, 1984, grants are to be made only on projects for secondary treatment or more stringent treatment, or any cost-effective alternatives such as new interceptors and appurtenances, and infiltration/inflow correction. Funding can be provided to other types of projects, such as related sewers, so long as no more than 20 percent of the state's allocation (percentage to be determined by the governor) is spent on those other types of projects. The technical review of projects prior to endorsement will determine the project categories and which portions will be grant funded. Inclusion or omission of a project category on the State Project Priority List will be adjusted as necessary.

c. Category IIIA - In the evaluation of alternatives available to meet a Category I or Category II need, cost-effective proposals may include infiltration/inflow correction (Category IIIA). Category IIIA will be fundable at the same priority as the Category I or Category II need where it is cost-effectively justified as part of the overall project. Category IIIA work, without the documentation of planning undertaken to address a Category I or Category II need, will not be considered for federal funding under this program.

ITEM 6. Amend rule 91.10 as follows:

567--91.10(455B) Point source rating criteria. This point source rating criteria considers the municipal discharger and the receiving stream in formulation of priorities as necessary for obligations of construction grant funds according to the State Priority System of which this criteria is a part. distribution of financial assistance available through EPA or state programs.

The criteria provides a mathematical formula for weighing the various parameters involved and determines a numerical rating. The two basic factors in the priority rating formula used to develop Municipal Discharger Priority Ratings are (1) the Stream Segment Priority Criteria, and (2) the Municipal Discharger Priority Criteria. Specific components of these factors and their combination to form the Municipal Discharger Priority Ratings are set forth below.

91.10(1) Stream segment priority criteria. Each major river basin is divided into various stream segments which consist of surface waters that have a common hydrologic characteristic. The stream segments are classified, in accordance with EPA guidelines as effluent limited (EL) or water quality limited (WQ).

Effluent limited (EL) segments are those segments where the water quality meets and will continue to meet the water quality standards, or where the water quality standards will be met after application of secondary treatment or best practicable treatment technology (BPT) to all point discharges to the segment.

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Water quality limited (WQ) segments are those segments where water quality standards are not being met and would not be met after application of secondary treatment of BPT to all point discharges to the segment.

Three factors are considered in allocating priority points for ranking stream segments. They are: (1) The water use designations given the segment in the water quality standards; (2) the population residing within a certain area in the vicinity of the stream segment; and (3) whether the segment is effluent limited or water quality limited.

Secondary treatment is defined in Chapter 62, IAC. If water quality standards require imposing limits on parameters in a discharge more stringent than or in addition to those identified in 62.3, the segment is considered to be water quality limited.

The formula for calculating total points for a segment is as follows:

a. Total stream Segment Points =

$$(0.5 + A + B_{cw} B_c + B_{bw} + B_{lr} B_w + C + HQ + HQR POP) \times SQ$$

Where: A = 2.0 if the segment is designated class A water and 0 otherwise.

$B_{cw} B_c = 2.0$ if the segment it is designated class B cold water and 0 otherwise.

$B_{bw} B_c = 1.0$ if the segment it is designated class Ba significant resource warm water and 0 otherwise.

$B_{lr} = 0.5$ if it is a limited resource water and 0 otherwise.

C = 1.0 if the segment it contains any designated class C waters and 0 otherwise.

HQ = 1.0 if the segment it is designated a high quality water and 0 otherwise.

--2.0)--(30-or-more

--1.5)--(15-to-30

HQR = 0.5 if it is a high quality resource and 0 otherwise.

--POP--1.0)--if-(5-to-15-thousand-people

--0.5)--(0.5-to-5-presently

--0)--(0-to-0.5

--reside-within-five-miles-of-either-side-of-the-segment-and-at-least-one-of the -above-terms -(A; -B_c; -B_w; -G; -HQ) -is-not-zero: --POP-equals-zero-if-the segment-is-unclassified-or-the-discharge-occurs-to-an-unclassified-tributary beyond-five-stream-miles-from-the-segment:

SQ = 2.0 3 if the segment is designated as water quality limited: with treatment more stringent than standard secondary required.

SQ = 1.0 2 if the segment is designated as effluent limited with water quality standards violated secondary treatment required.

--SQ--1-if-the-segment-is-designated-as-effluent-limited-with-water-quality standards-met:

--SQ--0.5-if-the-segment-is-not-classified-as-A; -B_c; -B_w; -G-or-HQ-or-if-the discharge-occurs-to-an-unclassified-tributary-beyond-five-stream-miles-from the -segment -and -treatment -more -stringent -than -standard -secondary -is -not required:

b. Application. -The -segment -point -calculation -for -cities -which -have wastewater -dischargers -within -five -miles -of -a -stream -segment -will -include factors-in-the-formula-applicable-to-that-segment:

--The -segment -point -calculation -for -cities -discharging -to -a -tributary -of -a segment -at -a -point -greater -than -five -stream -miles -from -the -segment -will consider-all-applicable-factors-except-the-POP-factor-if-the-city-is-required by-the-department-to-treat-its-wastewater-to-a-level-more-stringent-than standard-secondary-treatment: The stream segment priority for each discharger is based upon the stream segment(s) impacted by the discharge. The stream segment priority for a discharger impacting a water quality limited segment

will be determined according to all applicable use designation factors for the water quality limited segment(s), whether or not the discharge is directly into the water quality limited segment and if the discharge effluent limits are more stringent than secondary treatment.

91.10(2) Municipal dDischarger priority criteria. This criteria ranks a discharger with respect to its present contributing wasteload and the degree of stream overloading it causes.

The formula used to rank dischargers is as follows:

a. Municipal dDischarger priority points = $A_1 B_1 + A_2 B_2 \frac{(A_1)(B_1)}{(A_2)(B_2)}$

Where: A A1 and A2 = Degree of stream overloading.

A1 A₁ = CBOD5 Overloading Factor =

Present lbs. CBOD5 discharged

Allowable lbs. CBOD5

"Present lbs. CBOD5 discharged" is the average lbs/day of CBOD5 which is currently being discharged-and-Allowable-lbs.-BOD₅-equals-32.4-lbs/cfs-x-7Q₁₀-streamflow-unless-higher-protected-low-flow-has-been-established. If BOD values are reported as BOD5, they shall be converted to CBOD5 values by multiplying by 25/30.

"Allowable lbs. CBOD5" equals the average lbs/day of CBOD5 allowed to be discharged calculated by wasteload allocations using the current water quality standards.

A2A₂ = Ammonia-N Overloading Factor =

Present lbs. NH3-N discharged

Allowable lbs. NH3-N

"Present lbs. NH3-N discharged" is the average lbs/day of NH3-N which is currently being discharged-and-Allowable-lbs.-NH₃-N-equals-25.8-lbs/cfs-x-7Q₁₀-streamflow-unless-higher-protected-low-flow-has-been-established. If ammonia data is not available for an existing facility, then the value shall be obtained by the following formula:

Present lbs. NH3-N discharged =

15 mg/l NH3-N x average daily flow in MGD x 8.34

"Allowable lbs. NH3-N" equals the average lbs./day of NH3-N allowed to be discharged as calculated by wasteload allocations using the current water quality standards.

-B=-Total-contributing-lbs/day-of-BOD₅-and-NH3-N--Values-will-be-obtained from two full calendar years of operational data preceding the two year re-evaluation period-(i.e., FY85; FY86-period-is-based-on-1982; 1983-data)- B1 and B2 = Present lbs./day of CBOD5 (B1) and NH3-N (B2) being discharged. This element considers the actual wasteload which the stream receives. Lbs./day values will be obtained from two full calendar years of operational data preceding the year of being scored (i.e., FY92 scoring year will be based on 1989 and 1990 data).

Value of B1	Average lbs/day of CBOD5 Discharged
0	1.5 or less
1	1.5 - 3
3	3 - 5
5	5 - 10
7	10 - 20
9	20 - 50
12	50 - 100
14	100 - 250
16	250 - 750
18	750 - 1500
21	1500 - 2500

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25	2500 or more
Value of B2	Average lbs/day of NH3-N Discharged
0	.75 or less
1	.75 - 1.5
3	1.5 - 2.5
5	2.5 - 5
7	5 - 10
9	10 - 25
12	25 - 50
14	50 - 125
16	125 - 375
18	375 - 750
21	750 - 1250
23	1250 - 2500
25	2500 or more

-----0)---(-1.5-or-less
 -----1)---(-1.5-----3
 -----3)---(-3-----5
 -----5)---(-5-----10
 -----7)---(-10-----20
 -----9)---(-20-----50
 --B1--12)---(-50-----100
 -----14)---(-100-----250
 -----16)---(-250-----750
 -----18)---(-750-----1500
 -----21)---(-1500-----2500
 -----25)---(-2500-or-more
 -----0)---(-.75-or-less
 -----1)---(-.75-----1.5
 -----3)---(-1.5-----2.5
 -----5)---(-2.5-----5
 -----7)---(-5-----10
 -----9)---(-10-----25
 --B2--12)---(-25-----50
 -----14)---(-50-----125
 -----16)---(-125-----375
 -----18)---(-375-----750
 -----21)---(-750-----1250
 -----25)---(-2500-or-more

-This element considers the actual wasteload which the stream receives; instead of representing the actual total population contributing to the discharge.

b. Municipal discharger priority points for municipalities communities which have multiple discharge points or discharge into more than one receiving stream will be scored as follows:

(1) For multiple discharges from a municipality into a single stream segment, municipal discharger priority points from all outfalls each outfall's effluent data will be added together to obtain a single municipal discharger priority point-discharge-subtotal score which is then multiplied by the stream segment subtotal score.

(2) For multiple discharges from a municipality entering different stream segments, the municipal discharger priority points multiplied by the corresponding stream segment points for each outfall each outfall's effluent data and corresponding stream data will be treated as a separate total score

which will be added to the total scores of all other outfalls total-scores to comprise the community's final score: of the municipality.

c. Municipal ~~d~~Discharger priority points for municipalities communities that do not have sanitary sewer systems were will be calculated on the basis of the following assumptions:

--(1)--Water-use-is-50-gallons-per-capita-per-day:

(1)(2) Privately owned septic tanks provide the same degree of treatment (35 percent BOD reduction) as primary treatment.

(2)(3) Septic tank absorption dispersion fields have a discharge to surface waters equal to 25 percent of the computed organic load: from the septic tank.

Computation:

The existing stream loading is computed using the following formulas:

lbs. of CBOD₅ ~~BOD₅~~ = existing population x 0.163 lbs. CBOD₅ ~~BOD₅~~ per capita x 0.65 x 0.25

lbs. of NH₃-N = existing population x 0.05 lbs. NH₃-N per capita x 0.65 x 0.25

91.10(3) Municipal discharger priority rating. The total points for each municipal discharger are obtained by multiplying the "Total Stream Segment Points" times "Municipal Discharger Priority Points."

Total points are determined for each municipal discharger and the priorities of dischargers are then ranked in decreasing order of points.

These rules are intended to implement Iowa Code sections 455B.242 to 455B.246.

Dated this ____ day of April, 1991.

Larry J. Wilson, Director

(Chapter 92 is shown on the following 2 1/2 pages)

ENVIRONMENTAL PROTECTION COMMISSION [567]
Notice of Intended Action

Pursuant to the authority of Iowa Code section 455B.105 and 455B.245, the Environmental Protection Commission gives notice of intended action to amend Chapter 92, "State Revolving Fund Loans for Wastewater Treatment," Iowa Administrative Code.

Chapter 92 has not been revised since its original development for the SRF program. Minor revisions are proposed as follows: loan application documents are minimized; the significance of the application deadline is clarified; and costs eligible for loan financing are revised to clarify that they may begin when the Intended Use Plan is approved rather than the date of approval of a loan.

Any interested person may file written suggestions or comments on the proposed rule revisions through June 14, 1991. Such written materials should be directed to the Administrator of the Environmental Protection Division, Department of Natural Resources, Wallace State Office Building, 900 East Grand Avenue, Des Moines, Iowa 50319-0034. FAX: (515)281-8895.

Persons who wish to convey their views orally should contact Wayne Farrand, 515/281-8877; or at the department offices on the fifth floor of the Wallace State Office Building, Des Moines, Iowa 50319-0034.

Persons are also invited to present oral or written comments at any one of three public hearings which will be held on June 5, 1991, at 10 a.m. at the Denison Community Room, 111 North Main Street, Denison, Iowa; on June 6, 1991, at 10 a.m. at Kirkwood Community College, Auto Collision Building, Cedar Rapids, Iowa; and on June 7, 1991, at 10 a.m. at the Wallace State Office Building in the fourth floor east conference room, 900 East Grand Avenue, Des Moines, Iowa.

Copies of the proposed rules may be obtained from the Records Section, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand, Des Moines, Iowa 50319-0034.

In accordance with Iowa Code section 17A.31, notice is hereby given that these rules may have an impact on small business.

These rules are intended to implement Iowa Code section 455B.105 and 455B.245.

ITEM 1. Amend Chapter 567--92 as follows:

CHAPTER 92
STATE REVOLVING FUND LOANS FOR WASTEWATER TREATMENT

ITEM 1. Amend rule 92.3 Definitions, as follows:

"Eligible cost" means the cost of all labor, material, machinery, equipment, loan initiation and service fees, design and construction engineering services ~~incurred-after-the-date-of-approval-of-a-loan~~, legal fees and expenses related to the project, capitalized interest during construction of the project and all other expansion, construction and rehabilitation of all or part of a project incurred after the date of approval of an intended use plan which contains the project on a list approved for SRF assistance.

ITEM 2. Amend subrule 92.5(2) as follows:

92.5(2) General requirements. The following items in addition to the requirements of subrule 92.5(1) must be included in a complete SRF loan application:

- a. Two copies of the planning--report facility plan certified by a professional engineer registered to practice in Iowa;
- b. ~~Two copies of project plans and specifications certified by a professional engineer registered to practice in Iowa;~~
- c. A schedule for submission of an operation and maintenance manual and plans of operation plans and specifications for the project;
- d. A user charge system;
- e. A project construction schedule and cash flow projection including the acquisition of necessary land;
- f. A summary of all financial arrangements necessary to fund the project; and
- g. A description of a dedicated revenue source for loan repayments.

92.5(3) Timing. ~~In preparing the IUP for fiscal year 1989 loan funds, the director may consider potential applicants considered capable of submitting applications within the time necessary to effectively utilize SRF funds provided by the initial capitalization grant. To be considered for loan assistance during subsequent fiscal years;~~ Applications must be received by the department on or before July 1 preceding the fiscal year will be given first priority for loan assistance in the development of the IUP for that fiscal year. Applications received after that date will be considered for addition to the list of eligible recipients in the IUP in priority order following applicants which had applied by July 1.

ITEM 3. Amend subrule 92.8(2), as follows:

92.8(2) Allowable and unallowable costs. Allowable costs shall be limited to those eligible costs deemed necessary, reasonable, and directly related to the efficient completion of the project. Generally, the director will determine project costs eligible for loan assistance in accordance with state rule 567--91.6(455B). Land purchase, easement or rights-of-way costs are not eligible. In addition to those identified in 567--Chapter 91, unallowable costs include the following:

- a. Cost of the nonfederal share of any project funded by an EPA grant under the provision of the Clean Water Act.
- b. Costs of planning and design phases of the project incurred prior to the date of approval of a loan application for an SRF loan.
- c. Cost of service lines and in-house plumbing.
- d. Administrative costs of the recipient.
- e. Vehicles and tools.

ITEM 4. Amend subrule 92.9(2) as follows:

92.9(2) Final payment. Final payment to the recipient can be made following the final inspection and acceptance by the recipient and the department, and the following have been reviewed and approved:

- a. A request for final payment from the recipient.
- b. Certification by the recipient of project completion and acceptance by the recipient or an acceptable close-out settlement for projects that have encountered a dispute.
- c. Certification by the recipient that labor standard provisions have been met.
- d. An acceptable operation -and -maintenance -manual; -if -applicable and enacted user charge ordinance.
- e. Recap of all engineering, legal, administrative, and all other allowable and unallowable expenses.
- f. Final project budget showing all funding sources utilized by budget categories.
- g. Execution of a loan agreement adjustment based on final costs.

Dated this _____ day of April, 1991.

Larry J. Wilson, Director

Mr. Stokes gave a detailed explanation of the rules and noted that copies will go to all wastewater treatment facilities in the state as well as to the Iowa Water Pollution Control Association.

Motion was made by William Ehm to approve Notice of Intended Action--Chapters 91 and 92, Criteria for Award of Grants and State Revolving Loan Funds for Wastewater Treatment. Seconded by Mike Earley. Motion carried unanimously.

FINAL RULE--CHAPTER 63, MONITORING, ANALYTICAL, AND REPORTING REQUIREMENTS - EFFLUENT TOXICITY TESTING

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission is requested to approve the final rule for revisions to Chapter 63 requiring major wastewater treatment facilities to conduct effluent toxicity testing. A copy of the final rule and the supplement to the rule, Standard Operating Procedure: Effluent Toxicity Testing, is attached.

Six public hearings were held across the state followed by a ten day comment period to receive written comments. A copy of the Public Participation Responsiveness Summary is also attached. Revisions were made as a result of the public input. The major revisions are briefly summarized as follows:

- * The stream flow used to determine the effluent concentration in the diluted effluent sample was changed from the flow in the mixing zone to the flow in the zone of initial dilution.
- * The greater than 10% mortality used to determine a positive test result has been change to a statistical significant difference between the control and the diluted sample.
- * The requirement of doing additional dilutions for the next test when the 100% effluent sample was positive has been deleted.
- * Language was added to include a monitoring requirement for effluent toxicity in the NPDES permit.

A copy of the Public Participation Responsiveness Summary and the rule supplement "Standard Operating Procedure: Effluent Toxicity Testing" is on file in the department Records Center.

(Rule is shown on the following 3 1/2 pages)

ENVIRONMENTAL PROTECTION COMMISSION [567]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 455B.105 and 455B.173, the Environmental Protection Commission for the Department of Natural Resources amends Chapter 60, "Scope of Title - Definitions - Forms - Rules of Practice," and Chapter 63, "Monitoring, Analytical and Reporting Requirements," Iowa Administrative Code.

The new rule 567--63.4(455B) requires all major municipal and industrial dischargers to conduct effluent toxicity testing. Some minor dischargers will also be required to conduct such testing based upon a case-by-case evaluation of the receiving stream, toxic or deleterious effects of wastewater or industrial contribution to the system, or the complexity of the treatment process. Initially, these facilities will be required to conduct a 48 hour static acute toxicity test annually. Quarterly testing will be required if positive results are detected. Following two consecutive positive tests or three of five positive tests, a toxicity reduction evaluation (TRE) will be required to identify the toxic pollutant, determine its source, and eliminate it from the discharge. If ammonia or total residual chlorine are the cause of a positive test, the facility will not be required to perform quarterly testing or to conduct a TRE. The facility would be expected to meet permit limits for each of these parameters.

These rules were adopted due to EPA revisions of 40 CFR Part 136 to provide for regulations for states to follow in setting up toxicity regulations. These rules are this department's proposal to fulfill EPA requirements for effluent toxicity testing. EPA found through laboratory and field research that effluent toxicity testing is a scientifically valid approach to control toxics in wastewater discharges.

A Notice of Intended Action was published on October 17, 1990 as ARC 1368A reflecting the proposed new rules concerning effluent toxicity testing. Public hearings were held on November 7, 8, 13 and 14, 1990.

These rules were adopted by the Environmental Protection Commission on April 15, 1991. Changes to the proposed rules include revising the definitions found in 60.2 for culture water, diluted effluent sample, positive test result, toxicity reduction evaluation, and valid effluent toxicity test. At EPA's request, subrule 63.4(1) was changed from the notice to add language that allows the department to require additional monitoring in a permit depending upon the circumstances. Wording was also added to 63.4(1) to allow the department to use the results of all effluent toxicity tests conducted according to approved procedures to determine compliance with the facility's operation permit. Subrule 63.4(1) now specifically states that effluent toxicity testing requirements will be placed in the operation permit for discharges required to conduct such testing. The requirement in 63.4(2)"a" that samples arrive within 24 hours has been changed to require that samples arrive within a reasonable time, approximately 24 hours. This subrule has also been changed to require that the results of all effluent toxicity tests are required to be submitted to the Department. Subrule 63.3(2)"e" was revised to delete the need for additional dilutions for future testing requirements where a positive result was obtained from the 100 percent effluent test. Subrule 63.4(3)"b" was revised to include the statement that nothing in these rules will preclude the Department from taking enforcement action beyond that described in these rules.

Comments received concerning these rules are addressed in a responsiveness summary available from the Department. This summary is on file with those rules with the Administrative Rules Coordinator.

These rules are intended to implement Iowa Code Chapter 455B, Division III, Part I. These rules become effective June 19, 1991 after filing with the Administrative Rules Coordinator and publication in the Iowa Administrative Bulletin.

ITEM 1. Amend rule 60.2(455B) by adding the following definitions:

567--60.2(455B) Definitions.

"Culture water" means reconstituted water or other acceptable water used for culturing test organisms.

"Diluted effluent sample" means a sample of effluent diluted with culture water at the same ratio as the dry weather design flow to the applicable receiving stream flow contained in the zone of initial dilution as allowed in subrule 61.2(4) Regulatory mixing zones, including paragraphs "b," "c" and "d."

"Dry weather design flow" means the 30-day average flow which a facility is designed to discharge during dry weather conditions.

"Effluent toxicity test" means a test to determine the toxicity of a chemical or chemicals contained in a wastewater discharge on living organisms in a static 48-hour exposure under laboratory conditions.

"Major" means, for municipalities, a facility having a discharge flow or wet weather design flow of 1.0 mgd or greater. For industries it means a facility which is designated by EPA as being a major industry based on the EPA point rating system which uses pounds of wastes discharged for each facility.

"Minor" means all remaining municipal and industrial facilities which have wastewater discharge flows and which are not designated as a major facilities.

"Mortality" means, for the purpose of the 48-hour acute toxicity test, death, immobilization, or serious incapacitation of the test organisms.

"Positive toxicity test result" means a statistical significant difference of mortality rate between the control and the diluted effluent test.

"Toxicity reduction evaluation (TRE) program" means a step-wise process, similar to that found in EPA Document/600/2-88/062, which combines effluent toxicity tests and analysis of the chemical characteristics of the effluent to determine the cause of the effluent toxicity or the treatment methods which will reduce the effluent toxicity, or both.

"Valid effluent toxicity test" means the mortality in the control test is not greater than 10 percent and all test conditions contained in subrule 63.4(2)"b" "Standard Operating Procedure: Effluent Toxicity Testing, Iowa Department of Natural Resources" are met.

ITEM 2. Renumber rules 567--63.4(455B) to 63.10(455B) as 567--63.5(455B) to 567--63.11(455B) and adopt new rule 567--63.4(455B) as follows:

567--63.4(455B) Effluent toxicity testing requirements in permits.

63.4(1) Effluent toxicity testing. All major municipal and industrial dischargers shall be required to carry out effluent toxicity testing. Minor dischargers may be required to conduct effluent toxicity tests based on a case-by-case evaluation of the impact of the discharge on the receiving stream or industrial contribution to the system. All dischargers required to conduct effluent toxicity tests shall conduct, at a minimum, one valid effluent toxicity test annually. The testing requirements will be placed in the operation permit for each discharger required to conduct this testing.

Additional monitoring may be specified in the operation permit based on a case-by-case evaluation of the impact of the discharge on the receiving stream, toxic or deleterious effects of wastewaters, industrial contribution to the system, complexities of the treatment process, history of noncompliance or any other factor which requires strict operational control to meet the effluent limitations of the permit. Any effluent toxicity test completed by the department or other agency and conducted according to procedures stated or referenced in this rule, may be used to determine compliance with an operation permit.

63.4(2) Testing procedures. Dischargers shall be required to conduct effluent toxicity tests in accordance with the following general requirements:

a. The effluent toxicity tests shall be performed using a 24-hour composite sample of the effluent collected at the location stated in the operation permit. All composite samples shall be delivered to the testing laboratory within a reasonable time (approximately 24 hours) after collection and all tests must commence within 36-hours following sample collection. The results of all effluent toxicity tests conducted using approved procedures, including any tests performed at a greater frequency than required in the operation permit, shall be submitted to the department, on a form number 542-1381 provided by the department, within 30 days of completing the test.

b. All effluent toxicity tests shall be conducted using the test methodologies and protocols described within "Standard Operating Procedure: Effluent Toxicity Testing, Iowa Department of Natural Resources", September 1990. This procedure is adopted as part of this subrule and is filed as part of this subrule with the administrative rules coordinator. This procedure is an essential part of the testing procedures and is available upon request to the department although not printed in this subrule. Laboratories performing the effluent toxicity tests shall also have a quality assurance plan.

c. All effluent toxicity test shall be performed using the water flea (*Cerodaphnia dubia*), and the fathead minnow (*Pimephales promelas*).

d. Effluent toxicity tests shall include, at a minimum, two different concentrations of effluent. One test shall consist of 100 percent effluent, and a second test shall be a diluted effluent sample as defined. A control test, consisting of 100 percent culture water for each respective organism shall also be used. The test shall last for 48 hours at which time the mortality will be determined for all tests.

e. All effluent toxicity tests shall be of the pass/fail type.

63.4(3) If there is a positive toxicity test result in the diluted effluent sample from a valid effluent toxicity test, the following requirements apply unless the exception in paragraph "c" of this subrule is applicable.

a. At a minimum the discharger shall be required to conduct quarterly effluent toxicity tests until three successive tests are determined not to be positive, after which the normal annual testing shall be resumed.

b. If the discharger has two successive positive valid diluted effluent toxicity test results; or three positive test results out of five valid diluted effluent toxicity tests, the discharger shall be required to conduct a toxicity reduction evaluation (TRE). The discharger may be required to carry out instream monitoring or other analysis in conjunction with the TRE. At any time during the course of conducting a TRE there are three consecutive follow-up toxicity test results for the diluted sample which are not positive, the facility will be considered in compliance and work on the TRE may cease. Annual testing for effluent toxicity shall then resume. Nothing in

these rules shall preclude the department from taking enforcement action beyond that described in these rules.

c. When the pretest chemical analysis for un-ionized ammonia nitrogen (NH₃-N) or total residual chlorine (TRC) on the diluted effluent sample exceeds the concentrations given below, a positive test result is likely to have been caused by high concentrations of NH₃ or TRC, and the test result will be used to determine if follow-up testing is needed.

- (1) Un-ionized Ammonia Nitrogen - 0.9 mg/l
- (2) TRC - 0.1 mg/l

Date

Larry J. Wilson, Director

Mr. Stokes gave a brief explanation of the rule and comments received at the public hearings. He stated that on page 3, under 63.4(2)b, the date of September 1990 should be corrected to March 1991.

Motion was made by Nancy Lee Siebenmann to approve Final Rule-- Chapter 63, Monitoring, Analytical, and Reporting Requirements - Effluent Toxicity Testing with the correction requested by Mr. Stokes. Seconded by Richard Hartsuck. Motion carried unanimously.

CHAPTER 135, UNDERGROUND STORAGE TANK ACTION STANDARDS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The commission was provided background and discussion information relative to potential changes in current rules addressing when and what action would be required in response to releases from underground storage tanks at their March meeting.

Additional discussion will take place at this meeting on those discussion items. This will serve to provide staff with general guidance for further development of a formal rules amendment

proposal to be brought back to the commission at a later date for consideration.

Mr. Stokes provided an outline of issues which could be considered and addressed in rulemaking with establishment of some type of separation distance, either with a definitive of numeric value from a potential source or a yes/no type of condition.

Clark Yeager asked if there is anything similar coming from the legislature this year.

Mr. Stokes replied that SF 682 contains language that would require the Commission to establish rules to classify sites at a high-risk, no-risk, or low-risk classification, as well as to establish some guidance in the form of rules for a unified type of site document.

Discussion followed regarding a five year monitoring period at low-risk category sites. Under this concept a party would be required to monitor for a five period to determine that no further contamination is going to manifest itself, before being classified as a no-risk site.

Richard Hartsuck stated that he feels the department should go with the best engineering judgment and end it there. He added that removing the five year period would facilitate the property owner's using or disposing of the property.

Mr. Stokes asked the Commission to provide any additional comments to him within the next 30 days.

Mike Earley abstained from discussion of this item due to a conflict of interest.

This was an informational item; no action was required.

PROPOSED CONTESTED CASE DECISION--ARLENE AND THOMAS GRIFFIN

Mike Murphy, Bureau Chief, Legal Services Bureau, presented the following item.

On June 27, 1990, the department issued Water Use Permit renewal #5329-RM1 to the Clay County Rural Water District. That action was appealed by Arlene and Thomas Griffin, and 29 Intervenors, and the matter proceeded to administrative hearing on November 28-29, 1990. The Administrative Law Judge issued the attached Proposed Findings of Fact, Conclusions of Law, and Order on March 21, 1991. The decision affirms the issuance of the permit.

Either party may appeal the Proposed Decision to the Commission. In the absence of an appeal, the Commission may decide on its own

motion to review the Proposed Decision. If there is no appeal or review of the Proposed Decision, it automatically becomes the final decision of the Commission.

Mr. Murphy briefed the Commission on the history of this case.

The Commission took no action; this has the effect of upholding the the Administrative Law Judge's decision in the absence of an appeal.

REFERRALS TO THE ATTORNEY GENERAL

Mike Murphy, Bureau Chief, Legal Services Bureau, presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the Commissioners and are confidential pursuant to Iowa Code section 22.7(4).

Hubinger Company (Keokuk) - air quality
Blackhawk Metal Products, Inc. (Davenport) - air quality
Exide Corporation (Burlington) - air quality
Linwood Mining and Minerals Corp. (Scott Co.) - air quality
Donald Carney (Ft. Dodge) - solid waste/penalty
Mike Baker, d/b/a M & D's Chalet (Elgin) - water supply/penalty
City of Pacific Junction - penalty
Robert and Sally Shelley (Guthrie County) - solid waste/penalty

Linwood Mining and Minerals Corporation

Mr. Murphy asked the Commission to table this case until next month as they would like to meet with staff to work out a resolution.

Motion was made by Rozanne King to table the referral for Linwood Mining and Minerals Corporation until next month. Seconded by Clark Yeager. Motion carried unanimously.

Exide Corporation

Mr. Murphy briefed the Commission on the history of this case.

Motion was made by Richard Hartsuck for referral to the Attorney General's Office. Seconded by Clark Yeager. Motion carried unanimously.

Mike Baker, d/b/a M & D's Chalet

Mr. Murphy briefed the Commission on the history of this case.

Motion was made by Nancy Lee Siebenmann for referral to the Attorney General's Office. Seconded by Clark Yeager. Motion carried unanimously.

City of Pacific Junction

Mr. Murphy stated that the department received the penalty in this case, therefore staff has withdrawn the referral.

Robert and Sally Shelley

Mr. Murphy briefed the Commission on the history of this case.

Motion was made by Rozanne King for referral to the Attorney General's Office. Seconded by Clark Yeager. Motion carried unanimously.

Cota Industries

Mr. Murphy stated that this is in the nature of an emergency referral regarding a company known as Cota Industries, Inc. and previously operated by Dan Cota. The company produced several exterior wall covering products since 1957 through 1989. The site is located on S.E. 14 Street in Des Moines, near Army Post Road. Mr. Murphy noted that this site came to the attention of the department in 1989 when the operation of the facility was abandoned. Staff investigated, noted some problems, and requested that certain aspects of it be cleaned up. EPA also made some recommendations regarding cleanup but there had been no push to get it done because of uncertainty of ownership, and the fact that a new party was thinking of buying the business. Mr. Murphy noted that about a month ago the department received complaints that children had been playing in the building and there were chemicals there. In talking to former employees and others in recent weeks, staff received information that drums and other materials had been disposed of on the ground or buried in the area behind the building. EPA testing subsequently showed the presence of metals under the ground. Mr. Murphy stated that there is evidence of burial of drums and that chemicals were routinely disposed of at the site over a period of years. He related that it needs immediate attention as there is an elementary school nearby. Staff directed those involved with the company to put up a fence and retain a consultant to do an investigation of the site. Mr. Cota indicated a willingness to do some work but he did not want to install a fence or hire a consultant to do a site investigation. The department has taken action to get a fence installed. Mr. Murphy related that staff feel they should proceed with the rest of the work and the department should get cost recovery for the fencing. He added that the purpose of the referral is to keep the pressure on these parties to do what the department is asking.

Motion was made by Nancylee Siebenmann for referral to the Attorney General's Office. Seconded by Rozanne King.

Discussion followed regarding acceptable dumping standards over the period of time these incidents occurred, loopholes in the law, Superfund, and current regulations governing this type of waste.

Motion carried unanimously.

Don Carney

Mr. Murphy stated that this matter involves an area near Ft. Dodge where there has been an accumulation of a large amount of solid waste over the years. Included in the waste are items such as railroad ties, tires, scrap metal, waste lumber, and shingles. The department asked the property owners to clean it up. An Administrative Order was issued in November, 1990, due to failure to do the required cleanup and it was not appealed. Mr. Murphy stated that Mr. Carney called Vic Kennedy and indicated that he planned to clean up the area but he needed more time. The property had not been cleaned up by Spring, 1991 and the penalty had not been paid, therefore Mr. Carney was sent notice that the case would be referred. Mr. Murphy distributed copies of a field office inspection report which was received by the department last Friday. He noted that a complaint was received on April 10 that there was open burning at the site. When staff arrived shortly before noon on April 10, they evidenced a fire from the previous evening still smouldering. The inspector discussed the fire with local fire officials and discovered that Mr. Carney had been monitoring the fire overnight. When the inspector was leaving town he noticed more smoke and went out and found that a new fire had begun on a large pile of railroad ties, treated posts and some tires. The pile was 300' long, 60' wide, and 15' high with smoke observable from 20 miles away. Staff feeling is that this adds to the seriousness of the matter and is requesting referral for collection of the penalty and cleanup of the area.

APPOINTMENT - DON CARNEY

Don Carney, salvage yard owner at Ft. Dodge, addressed the Commission stating that he has owned this salvage yard since 1954 and related that it has been a dumping place for tires and railroad ties. He also ran a sawmill at the site. Mr. Carney circulated photos showing the area involved and indicated that he intended to get it cleaned up during the winter but he lost customers and did not have the money to do so. He stated that things are looking up now and he can move a trailer in and get it cleaned up. He noted that he is going to have knee surgery but he can supervise the cleanup while he is on crutches. Mr. Carney

stated that the power company had topped some trees, and he broke up some railroad ties to use as a fire starter to burn the trees scraps. He related that he called the fire department to notify them that he was going to burn the trees, and before he had put any trees on it someone had called and reported the fire. The fire company then stopped him from burning and required him to stay and watch the fire overnight. Mr. Carney stated that he reported to the fire station at 6:00 a.m. the next morning that the fire was out. He added that Clay Swanson, DNR, came over at 1:35 p.m. that day and he saw some smoke. Mr. Carney stated that he wouldn't be surprised if some kids were curious and decided it would be a good time to have another fire. He added that he does not know how the fire was started. Mr. Carney noted that he intends to cleanup the area and suggested that he be allowed to take a picture next Monday to show the Commission and then provide them with a progress report each month.

Nancylee Siebenmann asked Mr. Carney why he failed to pay the Administrative Penalty in January.

Mr. Carney responded that he thought maybe if he showed pretty good progress in removing some of the wood, the penalty may be overlooked. He asked the Commission to give him a grace period and stated that he will be able to get it cleaned up if he has more time.

Mr. Murphy stated that Mr. Carney was given 30 days to do the cleanup and, after three months, staff felt it unreasonable to allow additional time.

Discussion followed in regards to how the second fire was started.

Clark Yeager asked Mr. Carney how long it will take him to do the required cleanup.

Mr. Carney responded that he really does not know how long it will take.

Nancylee Siebenmann asked if it is appropriate to think about a consent decree.

Mr. Murphy replied that most of the department's cases are settled that way but in this case there are a lot of unanswered questions and it depends on what facts will develop.

Gary Priebe stated that his interpretation of the inspection report indicates that Mr. Carney set the second fire and he has a problem referring it when that has not been proven.

Mr. Carney stated that he was long gone when the second fire occurred, that he is not criminal, and he is not about to set a fire that is going to cause him any trouble or anyone else any

grief. He added that he has been in business in that town for forty years and it is his main business.

Nancylee Siebenmann commented that, as she sees it, referral is for collection of the penalty and cleanup of the unpermitted solid waste.

Motion was made by Nancylee Siebenmann for referral to the Attorney General's Office. Seconded by Mike Earley.

Discussion followed regarding the inspection report distributed by Mr. Murphy and whether or not it is part of the referral.

Clark Yeager stated that he cannot vote for referral if the inspection report is added as a part of the referral.

Nancylee Siebenmann explained that the inspection report is made a part of the record of what happened but referral is for collection of the administrative penalty and cleanup of solid waste.

Mike Earley commented that the Commission cannot limit what the Attorney General looks at. He added that Mr. Carney ignored the Administrative Order, refused to do the required cleanup and pay the administrative penalty, and if something happens next week it will become part of the file.

Chairperson Mohr requested a roll call vote. "Aye" vote was cast by Commissioners Earley, Ehm, Hartsuck, King, and Siebenmann. "Nay" vote was cast by Commissioners Priebe, Yeager and Mohr. Motion carried on a vote of 5-Aye to 3-Nay.

Hubinger Company

Mr. Murphy stated that Hubinger Company operates a wet corn milling facility and, as a part of the operation, has various air emission sources. In 1984-85 violations of air quality standards were noted as a result of their air emissions. A consent decree was entered into involving a payment in lieu of penalty. As part of the settlement the company was required to construct stacks to an elevation of 175 feet. In February 1991, the company indicated they needed to repair portions of one of the stack and asked permission to continue operating. The department granted a temporary (3-day) variance and asked that additional information be submitted. The information was received and, after all was done, the company had operated from February 8-18. The company asked for an after-the-fact variance for the whole period and it was denied. Mr. Murphy stated that in light of prior activities with the company and clear documentation that the stacks were needed to meet air quality standards, the matter should be referred to the Attorney General.

APPOINTMENT - BRUCE BROWN

Bruce Brown, President and Chief Executive Officer of Hubinger Company, introduced Ed Karcher, Vice-President of Operations and Scott Thayer, Attorney with H.J. Heinz Company (parent company to Hubinger Company).

Ed Karcher addressed the Commission stating that on February 7, 1991, the maintenance contractor working on the stack advised the company that it was unsafe and should be taken down. He stated that after reviewing the consequences if the stacks were to fall, and upon modeling the stacks installed, the company felt that at that time of the year it would not be a problem operating. Mr. Karcher added that they felt the best decision was to remove the stack and proceed working around-the-clock on stack replacement and working with the DNR to prove compliance. He noted that based on day-to-day reports, he believes the company was operating in compliance and the final model, where they used accurate building specifics, seems to support that.

Richard Hartsuck asked Mr. Karcher if he has a great deal of expertise as far as regulations.

Mr. Karcher replied that he personally does not have that expertise.

Scott Thayer, Attorney for H.J. Heinz Company, stated that the company had an initial variance which lasted three days (February 7-10). He added that they were working with DNR to continue that variance and were engaged in verbal discussions about it, which is why they continued to operate as they did.

Mr. Karcher stated that with the communication taking place with DNR, he thought DNR staff knew the company was operating and was still working on the variance. He added that he did not know the "three-day verbal thing" said they should shut down, and they did believe that they were in compliance.

Mark Landa stated that the department notified Mr. Guy Dutton on February 8, 1991, that an extension for three days had been granted and advised him at that time that he would be required to submit modeling data in order to support an extended variance. He added that Mr. Dutton was also informed that the company was not authorized to continue operating until the necessary documentation was submitted.

A lengthy discussion followed regarding extension of the variance, the required modeling data, and chronology and actions taken by the company and the department.

Nancylee Siebenmann commented that in the future she would like to see documentation of communications with these companies rather than phone notations.

Director Wilson stated that agreements reached in a phone call will be documented in a letter or FAX mail.

CLOSED SESSION

Motion was made by Rozanne King to go into closed session pursuant to Iowa Code Section 21.5(1)c to discuss strategy with counsel in matters that are in actual or potential litigation where its disclosure would be likely to prejudice the position of the governmental body in that litigation. Seconded by Nancy Lee Siebenmann.

Chairperson Mohr requested a roll call vote. "Aye" vote was cast by Commissioners Hartsuck, King, Priebe, Siebenmann, Earley, Ehm, and Mohr. Commissioner Yeager abstained due to a conflict of interests. Motion carried.

Motion was made by Nancy Lee Siebenmann to adjourn closed session and return to open session. Seconded by William Ehm. Motion carried unanimously.

Motion was made by William Ehm for referral to the Attorney General's with the recommendation that the penalty be one-half the amount stated in the litigation report. Seconded by Mike Earley.

Richard Hartsuck commented that he will vote against the referral because this was a technical violation and no serious harm was shown to the environment.

Chairperson Mohr requested a roll call vote. "Aye" vote was cast by Commissioners King, Priebe, Siebenmann, Earley, Ehm, and Mohr. "Nay" vote was cast by Commissioner Hartsuck. Commissioner Yeager abstained. Motion carried on a vote of 6-Aye to 1-Nay, with 1-abstention.

Black Hawk Foundry and Machine Company

Mr. Murphy reminded the Commission that this case was tabled last month and will need to be removed from the table.

Motion was made by Clark Yeager to remove the Black Hawk Metal Products referral from the table. Seconded by Gary Priebe. Motion carried unanimously.

Mr. Murphy stated that Black Hawk Metal Products, also known as Black Hawk Foundry & Machine Company, produces gray iron castings for heavy equipment. He related that the company has operated a cupola which has not been able to meet the required emission standards. Mr. Murphy noted that staff has worked with the

company for some time to give them an opportunity to come into compliance. It is the feeling of staff that court action is necessary to work out a formal agreement.

Mr. Murphy distributed a new compliance schedule proposed by Black Hawk.

APPOINTMENT - RICHARD JENKINS

Richard Jenkins, Counsel for Black Hawk Foundry and Machine Company, stated that the name of the company was incorrectly listed on the agenda.

Mr. Jenkins stated that the compliance schedule distributed by Mr. Murphy contains the five points that have been set forth in correspondence from Mark Landa to the foundry. It encapsulizes some of the conditions negotiated and agreed upon between field representatives of DNR and Black Hawk Foundry. He related that he feels it is important to the Commission to consider what has transpired with Black Hawk Foundry. Mr. Jenkins stated that the company has struggled for a number of years to assure compliance and has always maintained close and open communication with regional & central office staff. In Fall of 1987, a decision was made by Black Hawk Foundry to put in a new system to accomodate production. Black Hawk Foundry hired Foundry Equipment Company to assist in contracting appropriate designs and installation of new devices which would satisfy DNR requirements. Mr. Jenkins stated that Foundry Equipment made a referral which was, in hindsight, an unfortunate one involving Melt Support, a company who was making some specific recommendations in engineer decisions. He itemized the following decisions to demonstrate that Black Hawk Foundry has attempted to follow recommendations made by other business associates who were involved in this activity:

* Fall 1987 - company decision to install new system to comply with Code and 5 months later a letter was sent DNR explaining same

* March 1988 - DNR issued a supplemental permit with melt rate increased to 25 tons/hours as opposed to former permit of 15 tons/hour

* July 1988 - DNR issued another supplemental permit to add after-burners to the charge doors

* Summer 1989 - installed new scrubber equipment

* September 1989 - conducted preliminary air emissions tests - results demonstrated noncompliance with the air emission standards

* October 1989 - Black Hawk Foundry sent letter to DNR advising that the foundry did not meet requirements for the testing and requested permission to add a cylindrical shaped demister to the system (a recommendation of Melt Support to comply with the air emission standards)

* October 17, 1989 - letter from DNR issued representing a revision to the supplemental permit authorizing incorporation of the cyclindrical shaped unit to the system

* November 1989 - cylindrical shaped unit installed and test results demonstrated noncompliance with air emission standards

* January 29, 1990 - letter received from Rex Walker requesting an emission rate reduction plan within 15 days

* Within 15 days a response was made by Melt Support (copy to DNR) requesting emission rate reduction plan - Black Hawk Foundry sent letter to DNR stating system changes had been made as of February 10 and tests were scheduled for the end of February

* February 22, 1990 - DNR issued a supplemental change approval

* End of February 1990 - tests conducted and air emission standards not satisfied

* Black Hawk Foundry then ordered a high efficiency demister from Foundry Equipment. Melt Support, in correspondence to Black Hawk Foundry, guaranteed performance in terms of the new pollution standard equipment purchase. Black Hawk Foundry requested a supplemental change for use of the high efficiency demister.

* DNR issued a revision for supplemental approval for replacement of the original separator with the high efficiency demister

* Mid-July 1990 - high efficiency demister installed and air emission standards were still not met

* Cost as of July 1990 was \$200,000 and standards were not met.

* Black Hawk Foundry dismissed Melt Support, and a new firm, Modern Equipment, was retained

* October 1990 - a new, larger fan was installed

* During Christmas 1990 shutdown the furnace was repaired and a decision made to replace the CO combustion unit during the summer

Mr. Jenkins stated that three months went by and Black Hawk Foundry believed that DNR knew what they were planning to do, then in March they received a letter from DNR stating they will

be referred to the Attorney General's Office. He emphasized that Black Hawk Foundry has indicated complete willingness to comply and, as of March 24, the CO combustion unit and 400 h.p. motor has been installed. Mr. Jenkins stated that based on efforts and expense taken by Black Hawk Foundry over the past two-and-one-half years, the Commission should refrain to refer at this time. He added that additional new equipment will be installed April 26 and tests will take place on May 3. He again asked the Commission to refrain from referral at this time and allow the company to work with DNR.

Nancylee Siebenmann asked if installation of the new fan rotor was contingent upon having the CO system put in.

Mr. Jenkins responded that the two were proposed to the DNR, and in April, the DNR issued a permit change modification requiring installation of the larger fan. They were not necessarily contingent upon each other.

Nancylee Siebenmann stated that her information indicates that installation was to take place in February.

APPOINTMENT - JIM GRAFTON

Jim Grafton, Chief Executive Officer for Black Hawk Foundry, referred to a November letter in which he notified the department that the pieces of equipment would take 15 to 18 weeks to be shipped; the pieces were not available in February. Mr. Grafton added that they had not received all of the pieces by the time the company received the letter notifying them of the referral.

Clark Yeager asked if the company has agreed to a consent order.

Mark Landa reviewed the six requirements negotiated by the department. He added that there appeared to be an agreement reached with the company on these issues but now it appears the company wants the terms of the agreement changed. Mr. Landa noted that staff wants the matter referred this month and the company wants it tabled until they have an opportunity to demonstrate to the department that they are complying with the various aspects of this agreement. Mr. Landa pointed out that the reason staff would like this entered into today is because of the length of time it has taken to get to a point of assurance that they would comply with the emissions.

Mr. Jenkins commented that the concern is with the final paragraph of Mr. Landa's letter dated April 1, where he indicated that the Attorney General's Office is not bound to follow anything agreed upon between Black Hawk Foundry and DNR. He stated that Black Hawk Foundry is prepared to sign a consent order indicating compliance dates and issues, and impose

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penalties if they fail. He noted that it was their understanding that would be the situation and the Attorney General's Office would be a viable source to enforce penalties or pursue injunctive relief, if, at the point of noncompliance that was necessary.

Discussion followed regarding a consent decree and the authority of the Attorney General's Office in this matter.

Motion was made by Clark Yeager for referral to the Attorney General's Office for the injunctive relief and the consent decree that has been agreed to between DNR staff and the company. Seconded by William Ehm. Motion carried unanimously.

GENERAL DISCUSSION ITEMS

Nancylee Siebenmann asked if anyone was aware of a toxic pollutants reduction bill.

Mr. Stokes stated that HF 683 addresses toxics reduction and he expanded on details of the bill.

CHEEC

Nancylee Siebenmann announced that CHEEC is sponsoring a two day workshop on Water Quality, Agriculture and Public Health on May 14-15, 1991, and the \$75 fee has been waived for state employees.

Discussion took place regarding the Commission's role in referrals.

Charlotte Mohr asked if the department ever tests storm water runoff.

Mr. Stokes stated that we presently do not test but rules on this issue are coming down the pike within the next 12 months.

Mr. Stokes gave a briefing on the tour of the Des Moines Wastewater Treatment Plant planned for the Commission, following the meeting.

NEXT MEETING DATES

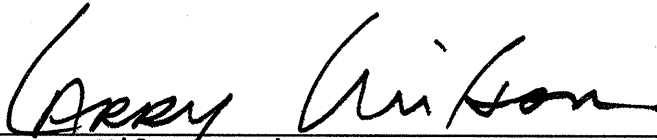
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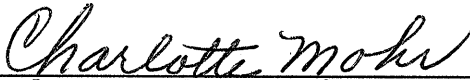
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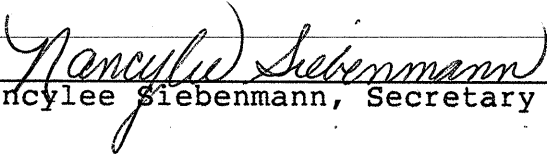
With no further business to come before the Environmental Protection Commission, Chairperson Mohr adjourned the meeting at 4:05 p.m., Monday, April 15, 1991.



Larry Wilson, Director



Charlotte Mohr, Chairperson



Nancy Lee Siebenmann, Secretary

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